



भारत का राजपत्र

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलग संकलन को रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़ कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांख्यिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities (other than the
Administrations of Union Territories)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 30 नवम्बर, 1979

क्र० आ० 3995.—एकाधिकार एवं निबंधनकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा निम्नलिखित उपक्रमों के कथित अधिनियम के अंतर्गत पंजीकरण के निरस्तीकरण को अधिसूचित करती है :—

उपक्रम का नाम	पंजीकरण की संख्या
1. मैसर्स शान्तीकरण प्राइवेट लिमिटेड	460/70
2. मैसर्स सुकीरन प्राइवेट लिमिटेड	458/70
3. मैसर्स शान्तीलना प्राइवेट लिमिटेड	348/70

[सं० 23/40/79-एम० I]

सी० खुशालदास, निदेशक

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Company Affairs)

New Delhi, the 30th November, 1979

S.O. 3995.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the Registration of the following undertakings under the said Act :—

Name of undertaking	Registration No.
(1) M/s. Shantikiran Private Ltd.	460/70
(2) M/s. Sukiran Ltd.	458/70
(3) M/s. Shantileena Private Ltd.	348/70

[No. 23/40/79-M(I)]

C. KHUSHALDAS, Director

गृह मंत्रालय

नई दिल्ली, 28 नवम्बर, 1979

का० बा० 3996.—राष्ट्रपति ने पिछड़ा वर्ग आयोग के सदस्य श्री दीनबन्धु साहू का त्यागपत्र आयोग की सदस्यता से 5 नवम्बर, 1979 से स्वीकार कर लिया है।

[सं० बी सी-13015/44/79-एस सी ब बी सी बी-1]

जरनैल सिंह, प्रवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 28th November, 1979

S.O. 3996.—The President is pleased to accept the resignation of Shri Dina Bandhu Sahu, Member of the Backward Classes Commission, from the membership of the Commission, with effect from the 5th November, 1979.

[No. BC-13015/44/79-SC&BCD-I]

JARNAIL SINGH, Under Secy.

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 30 नवम्बर, 1979

का० बा० 3997.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत के नियंत्रक और महालेखा परीक्षक से जहाँ तक उसका संबंध भारतीय लेखा परीक्षा और लेखा विभागों में कार्य करने वाले व्यक्तियों से है, परामर्श करते हुए, मूल नियमों में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (क) इन नियमों का नाम मूल (चतुर्थ संशोधन) नियम, 1979 है।

(ख) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. नियम 56 के नीचे विद्यमान टिप्पण 5 के स्थान पर निम्नलिखित टिप्पण रखा जाएगा, अर्थात् :—

“टिप्पण 5—ऐसी तारीख का जिसको कोई सरकारी सेवक यथास्थिति छद्मावन वर्ष या साठ वर्ष की आयु प्राप्त करता है, अवधारण सरकारी सेवक द्वारा अपनी नियुक्ति के समय घोषित और जहाँ तक संभव है, पुष्टिकारक दस्तावेजों साध्य, जैसे हार्ड स्कूल या उच्चतर माध्यमिक या माध्यमिक स्कूल प्रमाण-पत्र या जन्म रजिस्टर से उद्धरण प्रस्तुत करने पर, समुचित प्राधिकारी द्वारा स्वीकृत जन्म की तारीख के प्रति निर्देश से किया जाएगा। सरकारी सेवक द्वारा इस प्रकार घोषित और समुचित प्राधिकारी द्वारा स्वीकृत जन्म की तारीख, इस टिप्पण में यथा विनिर्दिष्ट के सिवाय परिवर्तित नहीं की जा सकेगी। किसी सरकारी सेवक की जन्म की तारीख में परिवर्तन, केन्द्रीय सरकार के किसी मंत्रालय या विभाग की या भारतीय लेखा परीक्षा और लेखा विभाग में सेवा करने वाले व्यक्तियों के संबंध में भारत के नियंत्रक-महालेखा परीक्षक की या जिस संघ राज्य क्षेत्र में सरकारी सेवक सेवा करता है, वहाँ के प्रशासक की संजूरी से उस दशा में किया जा सकेगा जब कि, —

(क) सरकारी सेवा में उसके प्रवेश से 5 वर्ष के भीतर उस संबंध में कोई अनुरोध किया जाए,

(ख) यह स्पष्टतः सिद्ध हो जाए कि कोई वास्तविक सद्भावित मूल हुई है, और

(ग) जन्म की तारीख में इस प्रकार का परिवर्तन उसे किसी स्कूल या विश्वविद्यालय या संघ लोक सेवा आयोग की परीक्षा

में वह ऐसी परीक्षा में पहली बार बैठा था, बैठने के लिए या उस तारीख को जिसको वह सरकारी सेवा में आया था, सरकारी सेवा में प्रवेश के लिए अपना म दशा वे।”

[सं० 19017/7/79-स्थापना (क)]

प्रार० सी० गुप्त, उप सचिव

(Department of Personnel and Administrative Reforms)

New Delhi, the 30th November, 1979

S.O. 3997.—In exercise of the powers conferred by the proviso to Article 309 and clause (5) of article 148 of the Constitution and in consultation with the Comptroller and Auditor General of India in so far as persons serving in the Indian Audit and Accounts Departments are concerned, the President hereby makes the following rules further to amend the Fundamental Rules, namely :—

1. (a) These rules may be called the Fundamental (Fourth Amendment) Rules, 1979.

(b) They shall come into force from the date of their publication in the official Gazette.

2. For the existing note 5 below Rule 56, the following note shall be substituted, namely :—

“Note 5—The date on which a Government servant attains the age of fifty-eight years or sixty years, as the case may be, shall be determined with reference to the date of birth declared by the Government servant at the time of appointment and accepted by the appropriate authority on production, as far as possible, of confirmatory documentary evidence such as High School or Higher Secondary or Secondary School Certificate or extracts from Birth Register. The date of birth so declared by the Government servant and accepted by the appropriate authority shall not be subject to any alteration except as specified in this note. An alteration of date of birth of a Government servant can be made, with the sanction of a Ministry or Department of the Central Government, or the Comptroller & Auditor General in regard to persons serving in the Indian Audit and Accounts Department, or an administrator of an Union Territory under which the Government servant is serving, if—

(a) a request in this regard is made within five years of his entry into Government service;

(b) it is clearly established that a genuine bonafide mistake has occurred; and

(c) the date of birth so altered would not make him ineligible to appear in any School or University or Union Public Service examination in which he had appeared, or for entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service.”

[No. 19017/7/79-Esta. A]

R. C. GUPTA, Dy. Secy.

नई दिल्ली, 6 दिसम्बर, 1979

का० बा० 3998.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारत सरकार, गृह मंत्रालय की दिनांक पहली मार्च, 1966 तथा उसके बाद की यथा संशोधित अधिसूचना संख्या 228/1/66-ए० बी० बी० (II) में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में दिए गए शब्द “किसी भी संघ राज्य-क्षेत्र में” निकाल दिए जाएंगे।

[संख्या 228/14/79-ए० बी० बी० (II)]

New Delhi, the 6th December, 1979

S.O. 3998. In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby makes the

following amendment in the notification of the Government of India in the Ministry of Home Affairs, No. 228/1/66-AVD. II, dated the 1st March, 1966, as subsequently amended, namely :—

In the said notification, the words "in any Union territory" shall be omitted.

[No. 228/14/79-AVD(II)]

आदेश

क्र० प्र० 3999.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, राजस्थान सरकार की सहमति से, एतद्वारा, राजस्थान राज्य के जिला अजमेर के प्राथमिक स्वास्थ्य केन्द्र भिनाई, पुलिस थाना भिनाई, में 5 सितम्बर, 1978 को हुई आम्बजीलरी नर्स मिडवाइफ कुमारी लिटीशिया हैमिलटन की मृत्यु के सम्बन्ध में भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 302 तथा 376 के अधीन दण्डनीय अपराधों तथा उक्त अपराधों के सम्बन्ध में या उनसे सम्बन्धित प्रयत्नों, दुष्प्रेरणाओं और षड्यन्त्रों तथा उन्हीं तथा के कारण उत्पन्न हुई वैसी ही कार्यवाही के दौरान किए गए अन्य किसी अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों एवं क्षेत्राधिकार का सम्पूर्ण राजस्थान राज्य में विस्तार करती है।

[संख्या 228/14/79-ए० सी० डी० (II)]

टी० के० मुक्तमणियन, प्रवर सचिव

ORDER

S.O. 3999.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of the State of Rajasthan, hereby extends to the whole of the State of Rajasthan the powers and jurisdiction of members of the Delhi Special Police Establishment for the investigation of offences punishable under section 302 and 376 of the Indian Penal Code, 1860 (45 of 1860), and attempts, abettments and conspiracies in relation to, or in connection with the said offences and any other offence committed in the course of same transaction arising out of the same facts, in regard to the death of Miss Litlea Hamilton, Auxiliary Nurse Mid-wife, Primary Health Centre Bhinai, Police Station Bhinai, district Ajmer in the State of Rajasthan on the 5th September, 1978

[No. 228/14/79-AVD(II)]

T. K. SUBRAMANIAN, Under Secy.

पिस्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 26 नवम्बर, 1979

आयकर

क्र० प्र० 4000.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 194क की उप-धारा (3) के खण्ड (iii) के उप-खण्ड (घ) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, तमिलनाडु हेण्डलूम फाइनेंस एण्ड ट्रेडिंग कारपोरेशन लिमिटेड, मद्रास को उक्त उप-खण्ड के प्रयोजन के लिए अधिसूचित करती है।

[क्र० सं० 275/21/79-आयकर बजट]

एस० प्रार० अथवा, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 26th November, 1979

INCOME-TAX

S.O. 4000.—In pursuance of sub-clause (f) of clause (iii) of sub-section (3) of section 194-A of the Income-tax Act,

1961 (43 of 1961) the Central Government hereby notifies the Tamilnadu Handloom Finance and Trading Corporation Limited, Madras, for the purposes of the said sub-clause.

[F. No. 275/21/79-ITB]

S. R. WADHWA, Dy. Secy.

(घाटिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 30 नवम्बर, 1979

क्र० प्र० 4001.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 10ए की उप-धारा (1) और (2) के उपबन्ध 7 नवम्बर, 1979 से यह 6 माह की अवधि तक अर्थात् 6 मई, 1980 तक अथवा उस बैंक के अगले पूर्णकालिक अध्यक्ष की नियुक्त तक, इनमें जो भी पहले हो, उस तक रतनाकर बैंक लिमिटेड कोल्हापुर पर लागू नहीं होंगे।

[संख्या 15(37)-बी० प्र०-III/79]

एन० डी० बत्रा, प्रवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th November, 1979

S.O. 4001.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of Section 10B of the said Act shall not apply to Ratnakar Bank Ltd., Kolhapuru, for 6 months with effect from 7th November, 1979, i.e. upto 6th May, 1980 or till the appointment of the next whole-time Chairman of that bank, whichever is earlier.

[No. 15(37)-B.O. III/79]

N. D. BATRA, Under Secy.

वाणिज्य, आगारिक आपूर्ति एवं सहकारीता मंत्रालय

(मुख्य निर्यातक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 27 नवम्बर, 1979

क्र० प्र० 4002.—वि कंट्रोलर ऑफ स्टोर्स, चितरंजन सोकोमोटिव वर्क्स, 4 चितरंजन एक्ज्यू, कलकत्ता को अप्रैल 1979-मार्च 1980 लाइसेंस व्यवधि के लिए केवल रेलवे मंत्रालय के मध्ये ही पश्चिमी जर्मनी से जेनरेटर आदि के आयात के लिए 27,132 रुपये मूल्य का एक आयात लाइसेंस सं० जी/आर/3201156/सी/एक्स एक्स/71/एच/79 दिनांक 25-5-79 प्रदान किया गया था।

2 अब लाइसेंसधारी ने इस कार्यालय से उक्त लाइसेंस की अनुलिपि मुद्रा-विनियम निर्यात प्रयोजन प्रति जारी करने के लिए इस आधार पर अनुरोध किया है क्योंकि मूल प्रति आवेदक से खो गई/अस्थायनस्थ हो गई है।

3 अपने तर्कों के समर्थन में, आवेदक ने उक्त लाइसेंस की अनुलिपि मुद्रा विनियम निर्यात प्रयोजन प्रति जारी करने के लिए स्टाम्प कागज पर एक लपकपक्ष दाखिल किया है। अयोध्याधारी मंजूर है कि उक्त लाइसेंस की मूल मुद्रा विनियम निर्यात प्रयोजन प्रति आवेदक से खो गई है/अस्थायनस्थ हो गई है और निवेश देता है कि उन्हें केवल संपूर्ण मूल्य

27,132 रुपये मात्र को अनुलिपि मुद्रा विनियम नियंत्रण प्रयोजन प्रति जारी को जाए। आयात लाइसेंस सं० जी/भार/3201159/सी/एक्स एक्स/71/एच/79 दिनांक 25.5.79 को मूल मुद्रा विनियम नियंत्रण प्रयोजन प्रति एतद्वारा रद्द की जाती है।

[सं० 5 सी/भार एल आई/79-80/जी एल एस/399]

MINISTRY OF COMMERCE CIVIL SUPPLIES AND COOPERATION

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 27th November, 1979

S.O. 4002.—The Controller of Stores, Chittaranjan Locomotive Works, 4 Chittaranjan Avenue, Calcutta was granted an import licence No. G/R/3201156/C/XX/71/H/79 dated 25-5-79 for the import of Generator etc. from West Germany for the value of Rs. 27,132 only against Railway Contract for the licensing period April 1979 to March 1980.

2. Now the licensee has requested this office for the issue of duplicate Exchange Control Purpose copy of the said licence as the original copy has been lost/misplaced by the applicant.

3. In support of his contention, the applicant has filed an affidavit on stamped paper for the issue of duplicate Exchange Control Purpose copy of the said licence. The undersigned is satisfied that the original Exchange Control Purpose copy of the said licence has been lost/misplaced by the applicant and directs that duplicate Exchange Control Purpose copy for the full value of Rs. 27,132 only should be issued to him. The original Exchange Control Purpose copy of the import licence No. G/R/3201156/C/XX/71/H/79 dated 25-5-79 is hereby cancelled.

[No. 5. C/RLY/79-80/GLS/399]

आदेश

का० प्रा० 4003.—अभ्यर्थक, चितरंजन लोकोमोटिव वर्क्स, चितरंजन एजेंस्य, कलकत्ता को अप्रैल 1979-मार्च 1980 लाइसेंस प्रमति के लिए रोलर बियिंग्स के मध्ये पवित्रनी जर्मनी से रोलर बियिंग्स का आयात करने के लिए 1,53,289/भार मात्र के लिए एक आयात लाइसेंस सं० जी०भार०/3201159/सी/एक्स एक्स/71/एच/79 दिनांक 26-5-79 प्रदान किया गया था।

अब लाइसेंसधारी ने उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रयोजन प्रति जारी करने के लिए अनुरोध किया है कि क्योंकि लाइसेंसधारी द्वारा मूल प्रति खो गई/अस्थानस्थ हो गई है।

3. अपने तर्क के समर्थन में, आवेदक ने स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि उल्लिखित आयात लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रयोजन प्रति खो गई/अस्थानस्थ हो गई है और निदेश देता हूँ कि उन्हें पूरे मूल्य को अनुलिपि मुद्रा विनियम नियंत्रण प्रयोजन प्रति जारी की जानी चाहिए। आयात लाइसेंस सं० जी/भार/3201159/सी/एक्स एक्स/71/एच/79 दिनांक 26-5-79 की मूल मुद्रा विनियम नियंत्रण प्रयोजन प्रति एतद्वारा रद्द की जाती है।

[सं० 12सी/रिलवे/79-80/जी एल एस/400]

राजिन्दर सिंह, उप-मुख्य नियंत्रक
हरे मुख्य नियंत्रक

ORDER

S.O. 4003.—Controller of Stores, Chittaranjan Locomotive Works, 4 Chittaranjan Avenue, Calcutta was granted an import licence No. G/R/3201159/C/XX/71/H/79 dated 26-5-79 valid upto 25-3-80 for the import of Roller Bearings from West Germany for the value Rs. 1,53,289 only against Railway Contract for the licensing period April 1979—March 1980.

2. Now the licensee has requested this office for the issue of Duplicate Exchange Control Purpose copy of the said licence as the original copy has been lost/misplaced by the licensee.

3. In support of his contention, the applicant has filed an affidavit on stamped paper. The undersigned is satisfied that the original Exchange Control Purpose copy of the above mentioned import licence has been lost/misplaced by the applicant and directs that duplicate Exchange Control Purpose copy for full value should be issued to him. The original Exchange Control Purpose copy of the import licence No. G/R/3201159/C/XX/71/H/79 dated 26-5-1979 is hereby cancelled.

[No. 12. C/Rly/79-80/GLS/400]

RAJINDER SINGH, Dy. Chief Controller
for Chief Controller

(शाण्ड्य विभाग)

(संपूर्ण मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

नई दिल्ली, 24 सितम्बर, 1979

लाइसेंस रद्द करने का आदेश

का० प्रा० 4004.—सर्वश्री ग्वालियर केबल्स एण्ड कन्डक्टर्स लि० नई दिल्ली, के नाम से 29,789 रुपये के लिए आयात-लाइसेंस संख्या-पी/एल/2862581/सी/एक्स एक्स/69/बी/78, दिनांक 27-11-78 जारी किया गया था और जो बाद में सीति पुस्तक 1977-78 (जिल्ड-2) के खण्ड 1 भाग-ख की कड़िका 31(2), 31(3), 32(2) और 38 की शर्तों के अनुसार पीवीसी रेजिन का आयात करने के लिए आयात (नियंत्रण) आदेश, 1955 की धारा 5(3)(1) के अन्तर्गत मनोनीत विनिर्माता सर्वश्री अनंत प्लास्मा प्रा० लि०, बी-96 वजीरपुर, इन्डस्ट्रियल एरिया, दिल्ली को 1-2-79 को हस्तांतरित कर दिया था।

मनोनीत फर्म को कि लाइसेंसधारी है, ने बताया है कि मूल लाइसेंस की दोनों मुद्रा विनियम नियंत्रण प्रति और सीमा शुल्क प्रयोजन प्रति किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए बिना और पूर्ण रूप से उपयोग में लाए बिना ही उनसे खो गई/अस्थानस्थ हो गई है। उक्त विवरण के समर्थन में मनोनीत फर्म ने आयात-निर्यात क्रियाविधि 1979-80 की हैब्युक की कड़िका 334 में दी गई शर्तों के अनुसार एक शपथ-पत्र दाखिल किया है। मैं संतुष्ट हूँ कि लाइसेंस की दोनों मूल प्रतियां मुद्रा विनियम नियंत्रण प्रति और सीमा शुल्क प्रयोजन प्रति मनोनीत फर्म द्वारा खो गई/अस्थानस्थ हो गई है।

यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9(सी) के अन्तर्गत प्रवर्तक अधिकारों का उपयोग करते हुए मैं एतद्वारा उक्त मूल लाइसेंस संख्या-पी/एल/2862581/सी/एक्स एक्स/69/बी/78, दिनांक 27-11-1978 की मूल मुद्रा विनियम नियंत्रण प्रति और सीमा शुल्क प्रयोजन प्रति को रद्द करने का आदेश देता हूँ।

आयात-निर्यात क्रियाविधि पुस्तक 1979-80 की कड़िका 335 और 336 की शर्तों के अनुसार मुद्रा नियंत्रण प्रति और सीमा शुल्क प्रयोजन प्रति दोनों की अनुलिपि प्रति पार्यों को जारी की जाएगी।

[संख्या-बीजी-149/जे एम/77/ई पी/आई जी ए/सी एल ए/422]

(Department of Commerce)

(Office of the Jt. Chief Controller of Imports and Exports)

New Delhi, the 24th September, 1979

CANCELLATION ORDER

S.O. 4004.—Import licence No. P/L/2862581/C/XX/69/D/78 dated 27-11-1978 for Rs. 29,789 was issued in the name of M/s. Gwalior Cables & Conductors Ltd., New Delhi and subsequently transferred on 1-2-1979 to the nominee manufacturer, M/s. Anant Plasma Pvt. Ltd., B-96, Wazirpur,

Industrial Area, Delhi under clause 5(3)(1) of the Imports (Control) Order 1955 for import of P.V.C. Resin as per provisions in Paras 31(2), 31(3), 32(2) and 38 of Part B Section I of the Policy Book 1977-78 (Vol. II).

The nominee firm, who is the holder of the licence, has stated that both the Exchange Control and Customs Purpose Copies of the original licence has been lost/misplaced by him without having been registered with any customs authority and fully unutilised. In support of the above statement the nominee firm has produced an affidavit as per provisions in Para 334 of the Hand Book of Import Export Procedures 1979-80. I am satisfied that both the original Exchange Control Copy and Customs purpose Copy of the licence has been lost/misplaced by the nominee firm.

In exercise of the powers conferred on me under Clause 9(CC) of the Imports (Control) Order 1955 dated 7-12-1955 as amended, I hereby order the cancellation of the original Exchange Control and Customs Purpose Copies of the above original licence No. P/L/2862581/C/XX/69/D/78 dated 27-11-1978.

A duplicate licence both Exchange Control and Customs Purpose Copies will be issued to the party in accordance with the provisions in Para 335 and 336 of the Hand Book of Import Export Procedures 1979-80.

[No. Engg. 149/JM '77/EP/IDA/CLA/422]

क्र० 4005.—सर्वश्री ग्वालियर केबल्स एण्ड कन्डक्टर्स लि०, नई दिल्ली के नाम से 80,058 रुपए के लिए आयात लाइसेंस संख्या पी/एल/2862595/सी/एक्स एक्स/69/डी/78, दिनांक 29-11-1978 जारी किया गया था और जो बाद में नीति पुस्तिका 1977-78 (खण्ड-2) के खण्ड-1 भाग "ख" की कड़िका 31(2), 31(3), 32(2) और 38 की शर्तों के अनुसार पी०वी०सी० रेजिन का आयात करने के लिए आयात (नियंत्रण) आदेश, 1955 की धारा की 5(3)(1) के अंतर्गत मनोनीत विनिर्माता सर्वश्री अनांत प्लास्मा प्रा० लि०, बी-96, वाजुपुर, इण्डस्ट्रियल एरिया, दिल्ली को 1-2-79 को हस्तांतरित कर दिया था।

मनोनीत फर्म जो कि लाइसेंसधारी है, ने बताया है कि मूल लाइसेंस की दोनों मुद्रा विनिमय नियंत्रण प्रति और सीमा शुल्क प्रयोजन प्रति किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए बिना और पूर्ण रूप से उपयोग में लाए बिना ही उनसे खो गई/अस्थानस्थ हो गई है। उक्त विवरण के समर्थन में मनोनीत फर्म ने आयात-निर्यात क्रियाविधि 1979-80 की कड़िका 334 में दी गई शर्तों के अनुसार एक शपथपत्र दाखिल किया है। मैं संतुष्ट हूँ कि लाइसेंस की दोनों मूल प्रतियाँ मुद्रा

विनिमय नियंत्रण प्रति और सीमा शुल्क प्रयोजन प्रति मनोनीत फर्म द्वारा खो गई/अस्थानस्थ हो गई हैं।

यथा संप्रोक्षित आयात (नियंत्रण) आदेश, 1955 की धारा 9 'सी' के अंतर्गत प्रदत्त अधिकारी का प्रयोग करते हुए मैं एतद्वारा उक्त मूल लाइसेंस संख्या पी/एल/2862595/सी/एक्स एक्स/69/डी/78, दिनांक 29-11-1978 की मूल मुद्रा विनिमय नियंत्रण प्रति और सीमा शुल्क प्रयोजन प्रति को रद्द करने का एतद्वारा आदेश देता हूँ।

आयात-निर्यात क्रियाविधि पुस्तक 1979-80 की कड़िका 335 और 336 की शर्तों के अनुसार मुद्रा विनिमय नियंत्रण और सीमा शुल्क प्रयोजन प्रति दोनों की अनुलिपि प्रति पार्टी को जारी की जाएगी।

[सं० इन्जी०-23/घो० जी-77/ई पी/आई डी ए/423]

क० बी० चौधरी, उप-मुख्य नियंत्रक
हुते संयुक्त मुख्य नियंत्रक

S.O. 4005.—Import licence No. P/L/2862595/C/XX/69/D/78 dated 29-11-78 for Rs. 80,058 was issued in the name of M/s. Gwalior Cables and Conductors Ltd., New Delhi and subsequently transferred on 1-2-79 to the nominee manufacturer, M/s. Anant Plasma Pvt. Ltd., B-96, Wazupur, Industrial Area, Delhi under clause 5 (3) (1) of the Imports (Control) Order 2 1955 for import of P.V.C. Resin as per provisions in Para 31(2), 31(3), 32(2) and 38 of Part 'B' Section I of the Policy Book 1977-78 (Vol. II).

The nominee firm, who is the holder of the licence, has stated that both the Exchange Control and Customs Purpose Copies of the original licence has been lost/misplaced by him without having been registered with any customs authority and fully unutilised. In support of the above statement the nominee firm has produced an affidavit as per provision in Para 334 of the Hand Book of Import Export Procedures 1979-80. I am satisfied that both the original Exchange Control Copy and Customs Purpose Copy of the licence has been lost/misplaced by the nominee firm.

In exercise of the powers conferred on me under Clause 9(CC) of the Imports (Control) Order 1955 dated 7-12-1955 as amended, I hereby order the cancellation of the original Exchange Control and Customs Purpose Copies of the above original licence No. P/L/2862595/C/XX/69/D/78 dated 29th November, 1978.

A duplicate licence both Exchange Control and Customs Purpose Copies will be issued to the party in accordance with the provisions in Para 335 and 336 of the Hand Book of Import Export Procedures 1979-80.

[No. Engg. 23/OD '77/EP/IDA/CLA/423]

K. B. CHAUDHARY, Dy. Chief Controller
for Jt. Chief Controller

(संयुक्त मुख्य नियंत्रक आयात निर्यात का कार्यालय)

आदेश

बम्बई, 25 नवम्बर, 1979

विषय: सर्वश्री स्टील इंडिया लिमिटेड, 28, गाला इन्डस्ट्रियल एस्टेट, डम्पिंग रोड, मुम्बई, बम्बई-80 को 35,142 रुपए के लिए जारी किए गए लाइसेंस संख्या 2728085, दिनांक 10-2-76 की सीमा शुल्क प्रयोजन प्रति को रद्द करने का आदेश।

क्र० 4006.—सर्वश्री स्टील इंडिया लिमिटेड, बम्बई-80 को ए 60-2 (ए) और ए 66-2 (ख) के अंतर्गत निर्यात के मद्दे अनुमति आकार के सीमा-सेस कार्बन स्टील ट्यूब्स और कोल्ड ड्राफ्ट के आयात के लिए 35,142 रुपए का उपयुक्त लाइसेंस प्रदत्त किया गया था। अब उन्होंने उपयुक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि प्रति के लिए इस आधार पर आवेदन किया है कि उपयुक्त लाइसेंस का मूल सीमा शुल्क प्रयोजन प्रति सीमा शुल्क कार्यालय, बम्बई के पास पंजीकृत कराने के पश्चात् और आंशिक रूप से उपयोग में लाने के पश्चात् खो गई/अस्थानस्थ हो गई है। कुल धनराशि जिसके लिए लाइसेंस जारी किया गया था वह 35,142 रुपए है और कुल धनराशि जिसके लिए शेष राशि को पूरा करने के लिए अनुलिपि प्रति की आवश्यकता है वह 8,312 रुपए है।

इस तर्क के समर्थन में, आदेश ने पंजीकृत और महानगरीय जिम्माधारी, बम्बई के सम्मुख स्टाम्प कागज पर विधिवत् साक्ष्यात्मक एक शपथपत्र दाखिल किया है।

में संतुष्ट हूँ कि लाईसेंस संख्या 2728085, दिनांक 10-2-76 की मूल सीमा शुल्क प्रयोजन प्रति खो गई अथवा अस्थायित्व हो गई है और निवेश देना है कि आवेदक को उपर्युक्त लाईसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी की जाए। मूल सीमा शुल्क प्रयोजन प्रति 2728085 दिनांक 10-2-76 रद्द की जाती है।

विषय: लाईसेंस संख्या 2728085, दिनांक 10-2-76 की सीमा शुल्क प्रयोजन प्रति की अनुलिपि प्रति जारी करना।

आपको यह सूचित किया जाता है कि सर्वश्री ल्यूवा डिज ट्यूब इन्जीनियर्स, बम्बई-80 को लाईसेंस संख्या-पी/ यू/ 2728085, दिनांक 10-2-76 की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी की गई है। यह अनुरोध किया जाता है कि मूल लाईसेंस (जिसका ब्यौरा नीचे दिया गया है) प्रस्तुत करने पर वैध न समझा जाए और यदि उपर्युक्त लाईसेंस की मूल प्रति पहले ही अपने परतन पर प्रस्तुत कर दी गई है अथवा उसका उपयोग कर लिया गया है तो उसकी सूचना तत्काल ही इस कार्यालय को भेजी जाए।

लाईसेंस का ब्यौरा निम्न प्रकार है-

लाईसेंस संख्या दिनांक	जारी कर्ता	मर्दे	लाईसेंस अवधि	बहु अवधि जिन अवधि के लिए वैध है	क्षेत्र	मूल्य प्रयुक्त मूल्य
पी/यू/2728085 दिनांक 10-2-76	संयुक्त मुख्य नियंत्रक आयात निर्यात बम्बई	अनुमेय प्रकार के सीमरैस कार्बन स्टील हाट फिनिश और कोल्ड ड्रान ट्यूब्स	अप्रैल मार्च 1975	बीबीएस मास	सामान्य मुद्रा क्षेत्र	35142 रुपये 8312 रुपए

[सं० 1115/1133/13179/ ए एम-75/ एल/ आर० ई० पी०-2 ए/311जे० एस० 74]

पी० गोविंदाराजू, उप-मुख्य नियंत्रक
रुते संयुक्त मुख्य नियंत्रक

(Office of the Jt. Chief Controller of Imports & Exports)

Bombay, the 25th September, 1979

Subject :— Order for cancellation of Customs purpose copy of licence No. 2728085 dated 10-2-76 for Rs. 35,142, issued in favour of M/s. Lu Bra Diz Tube Engineers, 28, Gula Industrial Estate, Dumping Road, Mulund, Bombay 80.

S.O.4006.—M/s Lu Bra Diz Tube Engineers, Bombay 80 were granted Import Licence mentioned above for Rs. 35142 for import of Seamless Carbon Steel Tubes and Cold Drawn permissible sizes against exports under A. 66-2(A) and A. 66-2(B). They have now applied for duplicate copy of Customs purpose copy of the above licence on the ground that the original customs purpose copy of the above licence has been lost/misplaced after having been registered with the Customs House, Bombay and utilised partially. The total amount for which the licence was issued is Rs. 35142 and the total amount for which the duplicate required is to cover the balance of Rs. 8312.

In support of this contention the applicants have filed an affidavit on stamped paper duly attested before the Registrar and Metropolitan Magistrate, Bombay.

I am satisfied that the original Customs purpose copy of licence No. 2728085 dated 10-2-76 has been lost or misplaced and direct that duplicate customs purpose copy of the above licence should be issued to the applicant. The original customs purpose copy 2728085 dated 10-2-1976 is cancelled.

Subject:— Issue of duplicate copy of Customs purpose copy of licence No. 2728085 dated 10-2-76.

This is to inform you that duplicate Customs purpose copy of licence No. P/U/2728085 dated 10-2-76 has been issued to M/s. Lu Bra Diz Tube Engineers, Bombay 80. It is requested that the Original Licence (Particulars given below) should not hold valid if produced and that the intimation should be sent to this office immediately if the original copy of the above licence has already been presented or utilised at his port.

Particulars of the licence as follows:

Lic. No. and date	Issued by	Items	Lic. period	Valid	Area. value	Value already utilised
P/U/2728085 dt. 10-2-76	Jt. CCI&E. Bombay.	Seamless carbon steel tubes hot finished & cold drawn permissible sizes.	AM, 75	Twenty four.	GCA. Rs. 35142/	Rs. 8312.

[No. 1115/1133/131/79/AM-75/L/REP. II. A/311/JS-74]
P. GOVINDA RAJU, Dy. Chief Controller Export
For Jt. Chief Controller

(नागरिक पूर्ति एवं सहकारिता विभाग)

भारतीय मानक संस्था

नई दिल्ली, 1979-11-19

क्रा० प्रा० 4007.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) के विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था की ओर से एतद्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी एम/ एल-5804 जिसके ध्योरे नीचे अनुसूची में दिए गए हैं फर्म की लाइसेंस में रद्द न होने के कारण 1979-08-08 से रद्द कर दिया गया है।

अनुसूची

क्रम सं० लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	सम्बद्ध भारतीय मानक
1	2	3	4
1. सीएम/एल-5804 1977-01-11	मेसर्स फाईबर ग्लास मोल्डिंग कार्पोरेशन 24/1/1 रिपन स्ट्रीट कलकत्ता 700016.	स्कूटर और मोटर साई- किल चालकों के लिए सुरक्षा हेलमेट मार्का : हिन्दफाइबर	IS : 4151-1968 स्कूटर और मोटर साईकिल चालकों के लिए सुरक्षा हेलमेट की विनिष्टि

[सी० एम० डी०/55 : 5804]

(Department of Civil Supplies and Co-operation)

INDIAN STANDARDS INSTITUTION

New Delhi, the 1979-11-19

S.O. 4007.— In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L- 5804 particulars of which are given in the Schedule below has been cancelled with effect from 1979-08-08 as the firm is not interested to operate the licence.

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process Covered by the Licence Cancelled	Relevant Indian Standards.
1	2	3	4	5
1.	CM/L-5804 1977-01-11	M/s. Fibre Glass Moulding Corporation, 24/1/1, Ripon Street, Calcutta-700016.	Protective helmets for scooter and motor cycle riders Brand: 'Hindfibre'.	IS: 4151-1968 Specification for protective helmets for scooter and motor cycle riders.

[No. CMD/55: 5804]

नई दिल्ली, 1979-11-22

क्रा० प्रा० 4008.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि जिन 194 लाइसेंसों के ध्योरे नीचे अनुसूची में दिए गए हैं, उनका विस्तार 1978 में नवीकरण किया गया है :

अनुसूची

क्रम संख्या	सीएम/एल संख्या	वैध से तक	भारतीय मानक विनिष्टि की पद संख्या
1	2	3	4
1.	37	76-11-16 77-11-15	IS : 434 (भाग 1 और 2 1964)
2.	64	77-01-01 77-12-31	IS : 10—1970
3.	71	77-01-01 77-12-31	IS : 261—1966
4.	85	77-01-01 77-12-31	IS : 10—1970
5.	106	76-12-16 77-12-15	IS : 261—1966
6.	118	77-01-01 77-12-31	IS : 10—1970
7.	204	76-10-16 77-10-15	IS : 288—1960

1	2	3	4	5
8.	216	76-12-16 77-12-15	IS : 434 (भाग 1 और 2) — 1964	
9.	243	76-12-01 77-11-30	IS : 916—1975	
10.	250	77-01-01 77-12-31	IS : 220—1972	
11.	251	77-01-01 77-12-31	IS : 1221—1957	
12.	253	77-01-01 77-12-31	IS : 1507—1966	
13.	339	76-12-01 77-11-30	IS : 325—1970	
14.	341	76-12-16 77-12-15	IS : 561—1972	
15.	361	76-12-16 77-11-30	IS : 916—1975	
16.	463	76-12-01 77-11-30	IS : 4064—1967	
17.	523	77-01-01 77-12-31	IS : 10—1970	
18.	662	76-12-01 77-11-30	IS : 692—1973	
19.	756	77-01-01 77-12-31	IS : 564—1975	
20.	844	76-12-01 77-11-30	IS : 2818—1964	
21.	845	76-12-01 77-11-30	IS : 1943—1964	
			IS : 2874—1964	
			IS : 2875—1964	
			IS : 2566—1965	
			तथा	
			IS : 3794—1966	

1	2	3	4	5	1	2	3	4	5
22.	846	76-12-01	77-11-30	IS: 2018--1971	40.	1175	77-01-01	77-12-31	IS: 1827--1961
23.	854	76-12-01	77-11-30	IS: 2818--1971	41.	1182	76-12-16	77-12-15	IS: 1554(भाग 1) --1964 IS: 1554(भाग 2) --1970
24.	855	76-12-01	77-11-30	IS: 1943--1964 IS: 2566--1965 IS: 2874--1964 IS: 2875--1963 IS: 3794--1966 IS: 3667--1966 IS: 3668--1966 IS: 3750--1966 IS: 375--1966	42.	1186	77-01-01	77-12-31	IS: 398--1961
					43.	1237	76-12-16	77-12-15	IS: 692--1965
					44.	1359	76-12-01	77-11-30	IS: 3035(भाग 1) --1965 IS: 3035(भाग 2) --1965 IS: 3035--(भाग 3) --1967
25.	861	76-12-01	77-11-30	IS: 2818--1964					
26.	862	76-12-01	77-11-30	IS: 1943--1964; IS: 2566-1965 तथा IS: 2674--1964	45.	1372	77-01-01	77-12-31	IS: 10--1970
					46.	1433	76-12-16	77-12-15	IS: 1596--1970
27.	869	76-12-01	77-11-30	IS: 2818--1971	47.	1470	76-12-16	77-12-15	IS: 3035(भाग 1) और 2)--1965
28.	880	76-12-01	77-11-30	IS: 1943--1964; IS: 2874--1964; IS: 2875-1964 तथा IS: 3794--1966	48.	1481	76-12-16	77-12-15	IS: 1307--1973
					49.	1558	76-12-01	77-11-30	IS: 398--1961
29.	919	76-12-01	77-11-30	IS: 2818--1971	50.	1566	76-12-16	77-12-15	IS: 562--1972
30.	927	76-12-01	77-11-30	IS: 2818--1964	51.	1568	76-12-01	77-11-30	IS: 561--1972
31.	928	76-12-01	77-11-30	IS: 1943--1964; IS: 2874--1964; IS: 2875--1964; IS: 2566--1965 तथा IS: 3794--1966	52.	1575	77-01-01	77-12-31	IS: 10--1970
					53.	1609	76-11-01	77-10-31	IS: 10--1970
32.	941	76-12-01	77-11-30	IS: 2818--1964	54.	1613	76-12-01	77-11-30	IS: 2567--1973
33.	942	76-12-01	77-11-30	IS: 1943--1964 IS: 2874--1964 IS: 2875--1964 IS: 2566--1966 IS: 3794--1966	55.	1648	77-01-02	77-12-31	IS: 10--1970
					56.	1707	76-11-16	77-11-15	IS: 398--1961
34.	949	76-12-01	77-11-30	IS: 2818--(भाग 2) --1972	57.	1715	76-12-16	77-12-15	IS: 226--1975
35.	958	76-12-01	77-11-30	IS: 1943--1964; IS: 2874--1964; IS: 2875--1964; IS: 3794--1966	58.	1716	76-12-16	77-12-15	IS: 1977--1975
					59.	1733	77-01-16	78-01-15	IS: 10--1970
36.	1094	76-12-16	77-11-15	IS: 226--1975	60.	1869	76-12-16	77-12-15	IS: 3564--1975
37.	1095	76-12-16	77-12-15	IS: 1977--1975	61.	1875	77-01-01	77-12-31	IS: 3584--1966
38.	1105	76-12-10	77-11-30	IS: 1554'(भाग 1) --1964 तथा IS: 1554(भाग 2) --1970	62.	1881	77-01-01	77-12-31	IS: 398--1961
					63.	1889	77-01-16	78-01-15	IS: 10--1970
39.	1148	76-12-16	77-12-15	IS: 894 (भाग 1 और 2)--1964	64.	1902	76-12-01	77-11-30	IS: 561--1972
					65.	1914	76-11-16	77-11-15	IS: 325--1970
					66.	2024	76-11-01	77-10-31	IS: 4783--1968
					67.	2025	76-11-01	77-01-31	IS: 4766--1968
					68.	2107	76-01-16	77-10-15	IS: 10--1970
					69.	2118	76-11-01	77-10-31	IS: 3900--1966
					70.	2194	76-12-16	77-12-15	IS: 10--1970
					71.	2198	76-11-16	77-11-15	IS: 276--1969
					72.	2361	76-12-01	77-11-30	IS: 10(भाग 3) --1974
					73.	2395	76-12-01	77-11-30	IS: 774--1971
					74.	2400	76-12-01	77-11-30	IS: 2567--1973
					75.	2415	77-01-01	77-12-31	IS: 2566--1955
					76.	2448	76-11-01	77-01-31	IS: 398--1961
					77.	2453	76-11-16	77-11-15	IS: 10--1970
					78.	2456	76-11-16	77-11-15	IS: 1165--1967
					79.	2461	76-12-16	77-12-15	IS: 4450--1967
					80.	2536	77-01-01	77-12-31	IS: 4900--1969

1	2	3	4	5	1	2	3	4	5
81. 2634	76-12-01	77-11-30	IS : 1694(भाग 2) --1964		120. 3987	76-09-01	77-08-31	IS : 1364--1967 IS : 2309--1968	
82. 2738	76-12-01	77-11-30	IS : 1554(भाग 1) --1961		121. 3997	76-11-01	77-10-31	IS : 2141--1968	
83. 2773	76-12-01	77-11-30	IS : 3984--1967 IS : 3966--1967		122. 4020	76-12-16	77-12-15	IS : 694(भाग 1 घोरे 2)--1964	
84. 2777	76-10-01	77-09-30	IS : 1943--1964		123. 4024	76-10-16	77-10-15	IS : 2925--1964	
85. 2782	76-10-16	77-10-15	IS : 2925--1964		124. 4035	76-11-16	77-11-15	IS : 6914--1973	
86. 2790	76-11-16	77-11-15	IS : 2202 (भाग 1) --1973		125. 4036	77-11-16	78-11-15	IS : 6915--1973	
87. 2835	76-12-16	77-12-15	IS : 269--1967		126. 4061	76-12-01	77-11-30	IS : 398--1961	
88. 2838	76-12-16	77-12-15	IS : 1786--1966		127. 4064	76-12-01	77-11-30	IS : 1601--1960	
89. 2876	76-12-01	77-11-30	IS : 104--1970		128. 4067	76-12-01	77-11-30	IS : 1308--1974	
90. 2894	76-12-01	77-11-30	IS : 3584--1967		129. 4077	76-12-01	77-11-30	IS : 1596--1970	
91. 3013	76-12-16	77-12-15	IS : 694(भाग 2)-- --1964		130. 4078	76-12-01	77-11-30	IS : 3035(भाग 2) --1965	
92. 3065	86-11-16	77-11-15	IS : 458--1971		131. 4097	76-12-16	78-01-31	IS : 6439--1972	
93. 3076	76-12-01	77-11-30	IS : 561--1972		132. 4088	76-12-16	77-12-15	IS : 1601--1960	
94. 3081	76-12-01	77-11-30	IS : 2675--1966		133. 4089	76-12-16	77-12-15	IS : 1554--(भाग 2) --1964	
95. 3104	76-12-01	77-11-30	IS : 434(भाग 1) --1964		134. 4091	77-01-01	77-12-31	IS : 2567--1973	
96. 3156	76-11-16	77-11-15	IS : 1554(भाग 1) --1964		135. 4100	77-01-01	77-12-31	IS : 1165--1967	
97. 3245	76-12-16	77-12-15	IS : 1601--1960		136. 4111	77-01-01	77-12-31	IS : 303--1975	
98. 3248	76-12-16	77-12-15	IS : 398--1961		137. 4121	76-12-16	77-12-15	IS : 6914--1975	
99. 3255	76-12-16	77-12-15	IS : 325--1970		138. 4122	76-12-16	77-12-15	IS : 5915--1975	
100. 3262	76-12-16	77-12-15	IS : 1310--1974		139. 4131	76-11-16	77-11-15	IS : 1786--1966	
101. 3279	77-01-01	77-12-31	IS : 3196--1974		140. 4141	76-12-16	77-12-15	IS : 561--1972	
102. 3589	76-11-16	77-11-15	IS : 206--1966		141. 4142	76-12-15	76-12-15	IS : 562--1972	
103. 3590	76-11-16	66-11-15	IS : 5423--1969		142. 4145	76-12-16	77-12-15	IS : 564--1975	
104. 3604	76-12-01	77-12-31	IS : 1793(भाग 1 घोरे 2)--1966		143. 4144	76-12-61	77-12-15	IS : 565--1975	
105. 3605	76-12-01	77-11-30	IS : 1879(भाग 1 से 10)--1975		144. 4145	76-12-16	77-12-15	IS : 633--1975	
106. 3616	76-12-01	77-11-30	IS : 561--1972		145. 4146	77-12-16	77-12-15	IS : 2567--1973	
107. 3624	76-12-16	77-12-15	IS : 1601--1960		146. 4188	76-12-16	77-12-15	IS : 5950--1971	
108. 3627	76-12-16	77-12-15	IS : 5455--1969		147. 4207	76-12-16	77-03-31	IS : 1310--1974	
109. 5628	76-12-16	77-12-15	IS : 6003--1969		148. 4339	76-10-01	77-09-50	IS : 996--1964	
110. 3833	76-12-16	77-12-15	IS : 612--1971		149. 4650	76-10-01	77-09-30	IS : 325--1970	
111. 3637	76-12-16	77-12-15	IS : 6914--1973		150. 4659	77-01-01	77-12-31	IS : 7407--1974	
112. 3639	76-12-16	77-12-15	IS : 6915--1973		151. 4739	76-10-16	77-12-15	IS : 3652--1974	
113. 3635	76-12-16	77-12-15	IS : 325--1970		152. 4781	76-11-01	77-10-31	IS : 1186--1971 IS : 2784--1971 IS : 2910--1971	
114. 3622	76-12-16	77-12-51	IS : 6914--1973		153. 4793	76-11-16	77-11-15	IS : 4855--1968	
115. 3820	76-11-16	77-11-15	IS : 1786--1966		154. 4794	76-11-16	77-11-15	IS : 4985--1968	
116. 3827	76-11-16	77-11-15	IS : 1239 (भाग 1) --1973		155. 4800	76-12-01	77-11-30	IS : 1660 (भाग 1) --1967	
117. 3862	77-01-01	77-12-31	IS : 561--1972		156. 4804	76-12-01	77-11-30	IS : 8051--1978	
118. 3971	76-01-01	77-09-30	IS : 1989--1973		157. 4805	76-12-01	77-11-30	IS : 8054--1978	
119. 3972	76-01-01	77-09-30	IS : 1989--1973		158. 4807	76-12-01	77-11-30	IS : 8052--1976	
					159. 4810	76-12-01	77-11-50	IS : 204--1974	
					160. 4811	76-12-01	77-11-30	IS : 208--1972	
					161. 4812	76-12-01	77-12-31	IS : 2692--1964	
					162. 4813	76-11-16	77-1-15	IS : 10(भाग 3) 1974	
					163. 4818	76-11-16	77-11-15	IS : 2864--1975	

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
164. 4819		76-12-01	77-11-30	IS : 562—1972	6. 118		77-01-01	77-12-31	IS : 10—1970
165. 4824		76-11-16	77-11-15	IS : 1786—1966	7. 204		76-10-16	77-10-15	IS : 288—1960
166. 4825		76-11-16	77-11-15	IS : 1848—1971	8. 216		76-12-16	77-12-15	IS : 434 (Part I & II) —1964
167. 4826		76-12-01	77-11-30	IS : 2692—1964	9. 243		76-12-01	77-11-30	IS : 916—1975
168. 4827		76-12-01	77-11-30	IS : 1703—1968	10. 250		77-01-01	77-12-31	IS : 220—1972
169. 4830		76-12-01	77-11-30	IS : 565—1975	11. 251		77-01-01	77-12-31	IS : 1221—1957
170. 4831		76-12-01	77-11-30	S : 398—1961	12. 253		77-01-01	77-12-31	IS : 1507—1966
171. 4834		76-12-01	77-11-30	IS : 269—1967	13. 339		76-12-01	77-11-30	IS : 325—1970
172. 4837		76-12-01	77-11-30	IS : 4323—1967	14. 341		76-12-16	77-12-15	IS : 561—1972
173. 4841		76-12-01	77-11-30	IS : 6248—1971	15. 361		76-12-16	77-11-30	IS : 916—1975
174. 4844		76-12-01	77-11-30	IS : 1977—1975	16. 463		76-12-01	77-11-30	IS : 4064—1967
175. 4825		76-12-01	77-11-30	IS : 961—1975	17. 523		77-01-01	77-12-31	IS : 10—1970
176. 4847		76-12-01	77-11-30	IS : 2002—1962	18. 662		76-12-01	77-11-30	IS : 692—1973
177. 4848		76-12-01	77-11-30	IS : 2062—1969	19. 756		77-01-01	77-12-31	IS : 564—1975
178. 4850		76-12-01	77-11-30	IS : 226—1975	20. 844		76-12-01	77-11-30	IS : 2818—1964
179. 4855		76-12-01	77-11-30	IS : 6003—1970	21. 845		76-12-01	77-11-30	IS : 1943—1964; IS : 2874—1964; IS : 2875—1964; IS : 2566—1965 & IS : 3794—1966
180. 4862		76-12-01	77-11-30	IS : 1848—1971					
181. 4865		76-12-16	77-12-15	IS : 325—1970	22. 846		76-12-01	77-11-30	IS : 2818—1971
182. 4866		76-12-16	77-12-15	IS : 2568—1973	23. 854		76-12-01	77-11-30	IS : 2818—1971
183. 4876		76-12-16	77-12-15	IS : 4964 (भाग 2) —1975	24. 855		76-12-01	77-11-30	IS : 1943—1964; IS : 2566—1965; IS : 2874—1964; IS : 2875—1964; IS : 3794—1966; IS : 3667—1966; IS : 3668—1966; IS : 3750—1966 & IS : 3751—1966
184. 4878		76-12-16	77-12-15	IS : 2865—1974					
185. 4880		76-12-16	77-12-15	IS : 419—1967					
186. 4888		76-12-16	77-12-15	IS : 633—1975					
187. 4890		76-12-16	77-12-15	IS : 2567—1973					
188. 4894		76-12-16	77-12-15	IS : 1180—1964					
189. 4896		76-12-16	77-11-30	IS : 8057—1976	25. 861		76-12-01	77-11-30	IS : 2818—1964
190. 4897		76-12-16	77-12-15	IS : 561—1972	26. 862		76-12-01	77-11-30	IS : 1943—1964; IS : 2566—1965 & IS : 2874—1964
191. 4898		76-12-16	77-12-15	IS : 562—1972					
192. 4913		77-01-01	77-12-31	IS : 2645—1964	27. 869		76-12-01	77-11-30	IS : 2818—1971
193. 4941		77-01-16	78-01-15	IS : 10—1970	28. 880		76-12-01	77-11-30	IS : 1943—1964, IS : 2874—1964 IS : 2875—1964 & IS : 3794—1966
194. 4988		77-01-01	77-12-31	IS : 398—1961					

[सं० सी०एम०डी०/13/12]

New Delhi, the 1979-11-22

S.O. 4008.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution, (Certification Marks) Regulations 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that 194 licences, particulars of which are given in the following Schedule, have been renewed during the month of December 1976 :

SCHEDULE

Sl. No.	CM/L No.	Valid		Indian Standard Specification No.
		From	To	
(1)	(2)	(3)	(4)	(5)
1.	37	76-11-16	77-11-15	IS : 434 (Part I & II) —1964
2.	64	77-01-01	77-12-31	IS : 10—1970
3.	71	77-01-01	77-12-31	IS : 261—1966
4.	85	77-01-01	77-12-31	IS : 10—1970
5.	106	76-12-16	77-12-15	IS : 261—1966

29. 919	76-12-01	77-11-30	IS : 2818—1971
30. 927	76-12-01	77-11-30	IS : 2818—1964
31. 928	76-12-01	77-11-30	IS : 1943—1964; IS : 2874—1964; IS : 2875—1964; IS : 2566—1965 & IS : 3794—1966
32. 941	76-12-01	77-11-30	IS : 2818—1964
33. 942	76-12-01	77-11-30	IS : 1943—1964 IS : 2874—1964 IS : 2875—1964 IS : 2566—1966 IS : 3794—1966
34. 949	76-12-01	77-11-30	IS : 2818 (Part II)— 1972
35. 958	76-12-01	77-11-30	IS : 1943—1964, IS : 2874—1964, IS : 2875—1964, IS : 3794—1966
36. 1094	76-12-16	77-11-15	IS : 226—1975
37. 1095	76-12-16	77-12-15	IS : 1977—1975

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
38. 1105	76-1 2-10	77-11-30	IS : 1554 (Part I)— 1964 & IS : 1554 (Part II)— 1970	84. 2777 85. 2782 86. 2798	76-10-01 76-10-16 76-11-16	77-09-30 77-10-15 77-11-15	IS : 1943—1964 IS : 2925—1964 IS : 2202 (Part I)— 1973		
39. 1149	76-12-16	77-1 2-15	IS : 894 (Part I & II) —1964	87. 2835 88. 2838	76-12-16 76-12-16	77-12-15 77-12-15	IS : 269—1967 IS : 1786—1966		
40. 1175	77-01-01	77-12-31	IS : 1827—1961	89. 2876	76-12-01	77-11-30	IS : 10—1970		
41. 1182	76-12-16	77-12-15	IS : 1554 (Part I)— 1964 IS : 1554 (Part II)— 1970	90. 2894 91. 3015	76-12-01 76-12-16	77-11-30 77-12-15	IS : 3984—1967 IS : 694 (Part II)— 1964		
42. 1186	77-01-01	77-12-31	IS : 398—1961	92. 3065	76-11-16	77-11-15	IS : 458—1971		
43. 1237	76-1 2-16	77-12-15	IS : 692—1965	93. 3076	76-12-01	77-11-30	IS : 561—1972		
44. 1359	76-1 2-01	77-11-30	IS : 3035 (Part I)— 1965 IS : 3035 (Part II)— 1965 IS : 3035 (Part III)— 1967	94. 3081 95. 3104 96. 3156	76-12-01 76-12-01 76-11-16	77-11-30 77-11-30 77-11-15	IS : 2675—1966 IS : 434 (Part I)— 1964 IS : 1554 (Part I)— 1964		
45. 1372	77-01-01	77-1 2-31	IS : 10—1970	97. 3245	76-12-16	77-12-15	IS : 1601—1960		
46. 1433	76-12-16	77-12-15	IS : 1596—1970	98. 3248	76-12-16	77-12-15	IS : 398—1961		
47. 1470	76-1 2-16	77-1 2-15	IS : 3035 (Part I & II)—1965	99. 3255	76-12-16	77-12-15	IS : 325—1970		
48. 1481	76-12-16	77-12-15	IS : 1307—1973	100. 3262	76-12-16	77-12-15	IS : 1310—1974		
49. 1558	76-1 2-01	77-11-30	IS : 398—1961	101. 3279	77-01-01	77-12-31	IS : 3196—1974		
50. 1566	76-12-16	77-12-15	IS : 562—1972	102. 3589	76-11-16	77-11-15	IS : 205—1966		
51. 1568	76-12-01	77-11-30	IS : 561—1972	103. 3590	76-11-16	77-11-15	IS : 5423—1969		
52. 1575	77-01-01	77-12-31	IS : 10—1970	104. 3604	76-12-01	77-12-31	IS : 1785 (Part I & II)—1966		
53. 1609	76-11-01	77-10-31	IS : 10—1970	105. 3605	76-12-01	77-11-30	IS : 1879 (Part I to X) —1975		
54. 1613	76-12-01	77-11-30	IS : 2567—1973	106. 3616	76-12-01	77-11-30	IS : 561—1972		
55. 1648	77-01-01	77-1 2-31	IS : 10—1970	107. 3624	76-12-16	77-12-15	IS : 1601—1960		
56. 1707	76-11-16	77-11-15	IS : 398—1961	108. 3627	76-12-16	77-12-15	IS : 5455—1969		
57. 1715	76-12-16	77-12-15	IS : 226—1975	109. 3628	76-12-16	77-12-15	IS : 6003—1969		
58. 1716	76-12-16	77-12-15	IS : 1977—1975	110. 3633	76-12-16	77-12-15	IS : 612—1971		
59. 1733	77-01-16	78-01-15	IS : 10—1970	111. 3637	76-12-16	77-12-15	IS : 6914—1973		
60. 1869	76-12-16	77-12-15	IS : 3564—1975	112. 3638	76-12-16	77-12-15	IS : 6915—1973		
61. 1878	77-01-01	77-12-31	IS : 3584—1966	113. 3635	76-12-16	77-12-15	IS : 325—1970		
62. 1881	77-01-01	77-12-31	IS : 398—1961	114. 3622	76-12-16	77-12-15	IS : 6914—1973		
63. 1889	77-01-16	78-01-15	IS : 10—1970	115. 3820	76-11-16	77-11-15	IS : 1786—1966		
64. 1902	76-12-01	77-11-30	IS : 561—1972	116. 3827	76-11-16	77-11-15	IS : 1239 (Part I)— 1973		
65. 1914	76-11-16	77-11-15	IS : 325—1970	117. 3862	77-01-01	77-12-31	IS : 561—1972		
66. 2024	76-11-01	77-10-31	IS : 4783—1968	118. 3971	76-10-01	77-09-30	IS : 1989—1973		
67. 2025	76-11-01	77-10-31	IS : 4766—1968	119. 3972	76-10-01	77-09-30	IS : 1989—1973		
68. 2107	76-10-16	77-10-15	IS : 10—1970	120. 3987	76-09-01	77-08-31	IS : 1364—1967 IS : 2389—1968		
69. 2118	76-11-01	77-10-31	IS : 3900—1966						
70. 2194	76-12-16	77-12-15	IS : 10—1970	121. 3997	76-11-01	77-10-31	IS : 2141—1968		
71. 2198	76-11-16	77-11-15	IS : 276—1969	122. 4020	76-12-16	77-12-15	IS : 694 (Part I & II)—1964		
72. 2361	76-12-01	77-11-30	IS : 10 (Part III)— 1974						
73. 2395	76-12-01	77-11-30	IS : 774—1971	123. 4024	76-10-16	77-10-15	IS : 2925—1964		
74. 2400	76-12-01	77-11-30	IS : 2567—1973	124. 4035	76-11-16	77-11-15	IS : 6914—1973		
75. 2415	77-01-01	77-12-31	IS : 2566—1955	125. 4036	77-11-16	78-11-15	IS : 6915—1973		
76. 2448	76-11-01	77-10-31	IS : 398—1961	126. 4061	76-12-01	77-11-30	IS : 398—1961		
77. 2453	76-11-16	77-11-15	IS : 10—1970	127. 4064	76-12-01	77-11-30	IS : 1601—1960		
78. 2456	76-11-16	77-11-15	IS : 1165—1967	128. 4067	76-12-01	77-11-30	IS : 1308—1974		
79. 2481	76-12-16	77-12-15	IS : 4450—1967	129. 4077	76-12-01	77-11-30	IS : 1596—1970		
80. 2556	77-01-01	77-12-31	IS : 4900—1969	130. 4078	76-12-01	77-11-30	IS : 3035 (Part II)— 1965		
81. 2634	76-12-01	77-11-30	IS : 694 (Part II)— 1964						
82. 2738	76-12-01	77-11-30	IS : 1554 (Part I)— 1961	131. 4087	76-12-16	78-01-31	IS : 6439—1972		
				132. 4088	76-12-16	77-12-15	IS : 1601—1962		
83. 2773	76-12-01	77-11-30	IS : 3984—1967 IS : 3966—1967	133. 4089	76-12-16	77-12-15	IS : 1554 (Part I)— 1964		

(1)	(2)	(3)	(4)	(5)
134. 4091	77-21-01	77-12-31	IS : 2567—1973	
135. 4100	77-01-01	77-12-31	IS : 1165—1967	
136. 4111	77-01-01	77-12-31	IS : 303—1975	
137. 4121	76-12-16	77-12-15	IS : 6914—1975	
138. 4122	76-12-16	77-12-15	IS : 6915—1975	
139. 4131	76-11-16	77-11-15	IS : 1786—1966	
140. 4141	76-12-16	77-12-15	IS : 561—1972	
141. 4142	76-12-16	77-12-15	IS : 562—1972	
142. 4143	76-12-16	77-12-15	IS : 564—1975	
143. 4144	76-12-16	77-12-15	IS : 565—1975	
144. 4145	76-12-16	77-12-15	IS : 633—1975	
145. 4146	77-12-16	77-12-15	IS : 2567—1973	
146. 4188	76-12-16	77-12-15	IS : 5952—1971	
147. 4207	76-12-16	77-03-31	IS : 1310—1974	
148. 4339	76-10-01	77-09-30	IS : 996—1964	
149. 4650	76-10-21	77-29-30	IS : 325—1970	
150. 4659	77-21-01	77-12-31	IS : 7407—1974	
151. 4739	76-10-16	77-12-15	IS : 3652—1974	
152. 4781	76-11-01	77-10-31	IS : 1186—1971 IS : 2782—1971 IS : 2910—1971	
153. 4793	76-11-16	77-11-15	IS : 4955—1968	
154. 4794	76-11-16	77-11-15	IS : 4985—1968	
155. 4800	76-12-01	77-11-30	IS : 1660 (Part I) —1967	
156. 4804	76-12-01	77-11-30	IS : 8051—1976	
157. 4805	76-12-01	77-11-30	IS : 8054—1976	
158. 4807	76-12-01	77-11-30	IS : 8052—1976	
159. 4810	76-12-01	77-11-30	IS : 204—1974	
160. 4811	76-12-01	77-11-30	IS : 208—1972	
161. 4812	76-12-01	77-12-31	IS : 2692—1964	
162. 4813	76-11-16	77-11-15	IS : 10 (Part III) —1974	
163. 4818	76-11-16	77-11-15	IS : 2864—1975	
164. 4819	76-12-01	77-11-30	IS : 562—1972	
165. 4824	76-11-16	77-11-15	IS : 1786—1966	
166. 4825	76-11-16	77-11-15	IS : 1848—1971	
167. 4826	76-12-01	77-11-30	IS : 2692—1964	
168. 4827	76-12-01	77-11-30	IS : 1703—1968	
169. 4830	76-12-01	77-11-30	IS : 565—1975	
170. 4831	76-12-01	77-11-30	IS : 398—1961	
171. 4834	76-12-01	77-11-30	IS : 269—1967	
172. 4837	76-12-01	77-11-30	IS : 4323—1967	
173. 4841	76-12-01	77-11-30	IS : 6248—1971	
174. 4844	76-12-01	77-11-30	IS : 1977—1975	
175. 4845	76-12-01	77-11-30	IS : 961—1975	
176. 4847	76-12-01	77-11-30	IS : 2002—1962	
177. 4848	76-12-01	77-11-30	IS : 2062—1969	
178. 4850	76-12-01	77-11-30	IS : 226—1975	
179. 4855	76-12-01	77-11-30	IS : 6003—1970	
180. 4862	76-12-01	77-11-30	IS : 1848—1971	
181. 4865	76-12-16	77-12-15	IS : 325—1970	
182. 4866	76-12-16	77-12-15	IS : 2568—1973	
183. 4876	76-12-16	77-12-15	IS : 4964 (Part II) —1975	
184. 4878	76-12-16	77-12-15	IS : 2865—1974	
185. 4880	76-12-16	77-12-15	IS : 419—1967	
186. 4888	76-12-16	77-12-15	IS : 633—1975	
187. 4890	76-12-16	77-12-15	IS : 2567—1973	
188. 4894	76-12-16	77-12-15	IS : 1180—1964	
189. 4896	76-12-16	77-11-30	IS : 8057—1976	
190. 4897	76-12-16	77-12-15	IS : 561—1972	
191. 4898	77-12-16	77-12-15	IS : 562—1972	
192. 4913	77-01-01	77-12-31	IS : 2645—1964	
193. 4941	77-01-16	78-01-15	IS : 10—1970	
194. 4968	77-01-01	77-12-31	IS : 398—1961	

सई दिल्ली, 1976-11-29

क्र०घा० 4009—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि जिन 281 लाइसेंसों के व्योरे नीचे अनुसूची में दिए गए हैं, उनका अनिवार्य, 1977 में नवीकरण किया गया है।

अनुसूची

क्रम संख्या	सी एस/एस संख्या	वैध		भारतीय मानक विशिष्टि की पद संख्या
		से	तक	
(1)	(2)	(3)	(4)	(5)
1.	6	77-01-01	77-12-31	IS : 434 (भाग 1 और 2)—1964
2.	41	76-12-16	77-12-15	IS : 323—1952
3.	50	77-02-01	78-01-31	IS : 10—1970
4.	51	77-02-01	78-01-31	IS : 10—1970
5.	53	77-01-01	77-12-31	IS : 10—1970
6.	57	77-02-01	78-01-31	IS : 10—1970
7.	59	77-02-01	78-01-31	IS : 10—1970
8.	78	77-02-01	78-01-31	IS : 10—1970
9.	86	77-02-01	78-01-31	IS : 10—1970
10.	101	77-01-01	77-12-31	IS : 10—1970
11.	112	77-01-01	77-12-31	IS : 388—1972
12.	116	77-02-16	78-02-15	IS : 10—1970
13.	135	77-02-01	78-01-31	IS : 10—1970
14.	143	77-01-01	77-12-31	IS : 10—1970
15.	187	77-01-01	77-12-31	IS : 692—1973
16.	224	77-01-01	77-12-31	IS : 10—1970
17.	232	77-02-01	78-01-31	IS : 10—1970
18.	363	76-12-16	77-12-15	IS : 325—1970
19.	369	77-01-01	77-12-31	IS : 916—1975
20.	371	77-01-01	77-12-31	IS : 916—1968
21.	376	77-01-16	78-01-15	IS : 10—1970
22.	424	77-01-01	77-12-31	IS : 398—1961
23.	481	76-11-16	77-11-15	IS : 275—1961
24.	489	77-01-16	78-01-15	IS : 325—1970
25.	490	77-01-16	78-01-15	IS : 996—1964
26.	495	77-01-16	78-01-15	IS : 55—1950
27.	544	77-01-01	77-12-31	IS : 434 (भाग 1 और 2)—1964
28.	553	77-01-01	77-12-31	IS : 694 (भाग 1 और 2)—1964
29.	559	77-01-01	77-12-31	IS : 694—1964
30.	573	77-01-01	77-12-31	IS : 1166—1973
31.	629	77-01-01	77-12-31	IS : 1855—1961
				और IS : 1856—1970
32.	650	77-01-01	77-12-31	IS : 2243—1971
33.	685	76-12-16	77-12-15	IS : 226—1975
34.	686	76-12-16	77-12-15	IS : 1977—1975
35.	685	77-01-01	77-12-31	IS : 226—1975
36.	686	77-01-01	77-12-31	IS : 1977—1975
37.	752	77-01-16	78-01-15	IS : 2548—1967

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
38	788	76-12-16	77-12-15	IS 1135—1973	72	1659	77-01-16	78-01-15	IS 633—1975
39	865	77-01-01	77-12-31	IS 2818 (भाग 2) —1971 और IS 3790—1966	73	1660	77-01-16	78-01-15	IS 2567—1973
40	870	76-12-01	77-11-30	IS 1943—1964, IS 2874—1964, IS 2875—1964, IS 2566—1965	74	1702	77-01-01	77-12-31	IS 398—1961
41	884	76-12-01	77-11-30	IS 1943—1964, IS 2566—1965	75	1758	77-01-01	77-12-31	IS 3623—1966
42	886	76-12-01	77-11-30	IS 1943—1964, IS 2566—1965	76	1759	77-01-01	77-12-31	IS 3975—1967
43	898	76-12-01	77-11-30	IS 1943—1964, IS 2566—1965	77	1762	77-01-01	77-12-31	IS 2266—1970, IS 2363—1963 IS 2581—1968
44	920	76-12-01	77-11-30	IS 1943—1964, IS 2874—1964, IS 2875—1964, IS 2566—1965, IS 3794—1966	78	1816	77-01-01	77-12-31	IS 3035 (भाग 1 से 3)—1965
45	950	76-12-01	77-11-30	IS 1943—1964, IS 2874—1964, IS 2875—1964, IS 2566—1965, IS 3794—1966	79	1827	77-01-01	77-12-31	IS 2465—1969
46	963	76-12-01	77-11-30	IS 2818 (भाग 2) —1971 IS 3790—1966	80	1867	77-01-01	77-12-31	IS 57—1965
47	975	76-12-16	77-12-15	IS 21—1975	81	1868	77-01-01	77-12-31	IS 35—1950
48	980	77-01-01	77-12-31	IS 1554 (भाग 1) —1964	82	1879	77-01-01	77-12-31	IS 6902—1973
49	981	77-01-01	77-12-31	IS 1040—1960	83	1882	77-01-01	77-12-31	IS 3196—1974
50	983	77-01-16	78-01-15	IS 35—1950	84	1895	77-02-01	78-01-31	IS 245—1962
51	984	77-01-16	78-01-15	IS 57—1965	85	1896	77-01-01	77-12-31	IS 3035 (भाग 1 और 2)—1965
52	999	77-01-01	77-12-31	IS 779—1968	86	1914	77-01-01	77-12-31	IS 2418—1964
53	1100	77-01-01	77-12-31	IS 1596—1970	87	1919	77-01-01	77-12-31	IS 2593—1964
54	1131	77-01-01	77-12-31	IS 694 (भाग 1 और 2)—1964	88	1936	77-01-01	77-12-31	IS 10—1970
55	1153	77-01-01	77-12-31	IS 2791—1964	89	1959	77-02-01	78-01-31	IS 10—1970
56	1162	77-01-01	77-12-31	IS 398—1961	90	2016	77-01-01	77-12-31	IS 4510—1968
57	1176	27-01-01	77-12-31	IS 1536—1967	91	2017	77-01-01	77-12-31	IS 774—1971
58	1189	77-01-01	77-12-31	IS 1547—1968	92	2121	76-11-01	77-10-31	IS 1363—1967, IS 1364—1967, IS 1365—1968, IS 1368—1968, IS 2585—1968, IS 2609—1964
59	1196	77-01-01	77-12-31	IS 2556 (भाग 1 से 12)—1967	93	2124	77-01-01	77-12-31	IS 10—1970
60	1287	77-01-01	77-12-31	IS 781—1967	94	2144	76-12-01	77-11-30	IS 1729—1964
61	1319	77-01-16	78-01-15	IS 2645—1964	95	2146	77-01-01	77-12-31	IS 561—1972
62	1323	77-01-01	77-12-31	IS 1834—1961	96	2152	76-12-01	77-11-30	IS 10—1970
63	1342	77-01-01	77-12-31	IS 221—1971	97	2167	76-12-16	77-12-15	IS 21—1975
64	1353	77-01-01	77-12-31	IS 1551—1976	98	2169	77-01-01	77-12-31	IS 1392—1971
65	1380	77-01-01	77-12-31	IS 1596—1970	99	2175	76-12-16	77-12-15	IS 694 (भाग 1 और 2)—1964
66	1505	77-01-01	77-12-31	IS 398—1961	100	2178	77-01-01	77-12-31	IS 10—1970
67	1516	77-01-16	78-01-15	IS 10—1970	101	2180	77-01-01	77-12-31	IS 10—1970
68	1591	77-01-01	77-12-31	IS 3564—1975	102	2186	77-01-01	77-12-31	IS 10 (भाग 3)
69	1606	77-01-16	78-01-15	IS 10—1970	103	2192	77-01-01	77-12-31	IS 220—1972
70	1610	77-02-01	78-01-31	IS 10—1970	104	2195	77-01-01	77-12-31	IS 10—1970
71	1627	77-02-01	78-01-31	IS 10 (भाग 3)— 1974	105	2202	76-12-01	77-11-30	IS 4858—1968
					106	2213	77-01-16	78-01-15	IS 10—1970
					107	2216	77-02-01	78-01-31	IS 10—1970
					108	2220	77-02-01	78-01-31	IS 560—1969
					109	2240	77-01-01	77-12-31	IS 10 (भाग 3) 1974
					110	2323	76-12-16	77-12-15	IS 10 (भाग 3)— 1974
					111	2363	76-10-16	77-10-15	IS 325—1970
					112	2367	76-12-01	77-11-30	IS 10—1970
					113	2370	77-01-01	77-12-31	IS 10 (भाग 3) 1974

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
114. 2377	76-12-16	77-12-15	IS: 10 (भाग 3)--- 1974	161. 3316	77-01-01	77-12-31	IS: 1835---1966		
115. 2399	76-12-01	77-11-30	IS: 3196---1974	162. 3322	77-01-01	77-12-31	IS: 434 (भाग 1 धोर 2)---1964		
116. 2421	76-10-01	77-03-31	IS: 1310---1974	163. 3323	77-01-01	77-12-31	IS: 694 (भाग 1) धोर 2)---1964		
117. 2478	76-12-16	77-12-15	IS: 3811---1976	164. 3324	77-01-01	77-12-31	IS: 398---1961		
118. 2480	76-12-16	77-12-15	IS: 4449---1967	165. 3374	77-01-16	78-01-15	IS: 398---1961		
119. 2509	76-12-16	77-12-15	IS: 3035 (भाग 1) 1965	166. 3477	77-01-01	77-12-31	IS: 4382---1967		
120. 2536	77-02-01	78-01-01	IS: 1786---1966	167. 3542	77-01-16	78-01-15	IS: 398---1961		
121. 2537	76-12-01	77-11-30	IS: 4552---1968	168. 3640	76-12-16	77-12-15	IS: 1786---1966		
122. 2549	76-12-01	77-11-30	IS: 4900---1969	169. 3643	77-01-01	77-12-31	IS: 2148---1968		
123. 2550	77-02-01	78-01-31	IS: 10 (भाग 3)--- 1974	170. 3645	77-01-01	77-12-31	IS: 2148---1968		
124. 2555	77-01-01	77-12-31	IS: 4900---1969	171. 3647	77-01-01	77-12-31	IS: 2148---1968		
125. 2570	76-12-01	77-11-30	IS: 4900---1969	172. 3648	77-01-01	77-12-31	IS: 2148---1968		
126. 2618	77-01-01	77-12-31	IS: 562---1972	173. 3649	77-01-01	77-12-31	IS: 2148---1968		
127. 2619	77-01-01	77-12-31	IS: 565---1975	174. 3650	77-01-01	77-12-31	IS: 2148---1968		
128. 2622	76-10-01	77-09-30	IS: 325---1970	175. 3653	77-01-01	77-12-31	IS: 2925---1964		
129. 2672	76-12-01	77-11-30	IS: 4900---1969	176. 3654	77-01-01	77-12-31	IS: 1786---1966		
130. 2674	76-12-01	77-11-30	IS: 4900---1969	177. 3655	77-01-16	78-01-15	IS: 561---1972		
131. 2703	76-12-01	77-11-30	IS: 3224---1971	178. 3656	77-01-16	78-01-15	IS: 564---1975		
132. 2728	77-01-01	77-12-31	IS: 5086---1969	179. 3661	77-01-16	78-01-15	IS: 398---1961		
133. 2746	76-12-16	77-12-15	IS: 2548---1967	180. 3662	77-01-16	78-01-15	IS: 561---1972		
134. 2789	76-12-01	77-11-30	IS: 10---1970	181. 3663	77-01-16	78-01-15	IS: 562---1972		
135. 2804	76-12-01	77-11-30	IS: 3984---1967, IS: 3966---1967	182. 3664	77-01-16	78-01-15	IS: 1601---1960		
136. 2805	77-01-01	77-12-31	IS: 398---1961	183. 3666	77-01-16	78-01-15	IS: 1307---1973		
137. 2819	76-12-01	77-11-30	IS: 1786---1966	184. 3679	77-02-01	78-01-31	IS: 10---1970		
138. 2822	76-12-01	77-11-01	IS: 1488---1969	185. 3698	77-02-01	78-01-31	IS: 1601---1960		
139. 2825	76-12-01	77-11-30	IS: 2566---1965 IS: 1943---1964	186. 3828	77-01-16	78-01-15	IS: 325---1970		
140. 2829	76-12-16	77-12-15	IS: 265---1962	187. 3856	77-01-01	77-12-31	IS: 6595---1972		
141. 2830	76-12-16	77-12-15	IS: 266---1961	188. 3893	77-01-01	78-01-31	IS: 1703---1968		
142. 2851	76-12-16	77-12-15	IS: 1943---1964 IS: 2566---1965	189. 3920	76-11-01	77-10-31	IS: 2888---1964		
143. 2856	77-01-01	77-12-31	IS: 10---1970	190. 3965	77-01-16	78-01-15	IS: 780---1969		
144. 2860	77-01-01	77-12-31	IS: 398---1961	191. 4018	76-11-01	77-10-31	IS: 2568---1973		
145. 2861	77-01-16	78-01-15	IS: 6595---1972	192. 4043	76-11-16	77-11-15	IS: 4432---1967		
146. 2862	76-12-01	77-11-30	IS: 2580---1965	193. 4044	76-11-16	77-11-15	IS: 4398---1969		
147. 2903	77-01-01	77-12-31	IS: 774---1971	194. 4045	76-11-16	77-11-15	IS: 5517---1969		
148. 2912	77-01-16	78-01-15	IS: 366---1976	195. 4079	76-12-01	77-11-30	IS: 4246---1972		
149. 3105	76-12-16	77-12-15	IS: 1011---1968	196. 4093	77-01-01	77-12-31	IS: 6439---1974		
150. 3106	77-01-01	77-12-31	IS: 1322---1970	197. 4094	77-01-01	77-12-31	IS: 1601---1960		
151. 3155	76-09-16	77-09-15	IS: 4306---1973	198. 4095	77-01-01	77-12-31	IS: 2568---1973		
152. 3246	76-12-16	77-12-15	IS: 3309---1965	199. 4096	77-01-01	77-12-31	IS: 3224---1971		
153. 3266	77-01-01	77-12-31	IS: 3131---1965	200. 4104	77-01-01	77-12-31	IS: 3589---1966		
154. 3280	77-01-16	78-01-15	IS: 1601---1960	201. 4105	77-01-01	77-12-31	IS: 2148---1968		
155. 3285	77-01-01	77-12-31	IS: 1554 (भाग 1) 1964	202. 4106	77-01-01	77-12-31	IS: 2373---1973		
156. 3286	77-01-01	77-12-31	IS: 1596---1970	203. 4107	77-01-01	77-12-31	IS: 1989---1973		
157. 3287	77-01-01	77-12-31	IS: 3035 (भाग 1 धोर 2)---1965	204. 4108	77-01-01	77-12-31	IS: 4246---1972		
158. 3289	77-01-16	78-01-15	IS: 966---1962	205. 4109	77-01-01	77-12-31	IS: 2141---1968		
159. 3290	77-01-16	78-01-15	IS: 1230---1968	206. 4112	77-01-01	77-12-31	IS: 1239 (भाग 1) ---1973		
160. 3294	76-12-01	77-11-30	IS: 4288---1967	207. 4113	77-01-01	77-12-31	IS: 1703---1968		
				208. 4134	77-01-16	78-01-15	IS: 1601---1960		
				209. 4135	77-01-01	77-12-31	IS: 5346---1975		
				210. 4152	77-02-01	78-01-31	IS: 4246---1972		
				211. 4164	77-02-01	78-01-31	IS: 10---1970		

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
212	4167	77-02-01	78-01-31	IS : 10—1970	265	4927	77-01-01	77-12-31	IS : 4323—1967
213	4177	77-02-01	78-01-31	IS : 2830—1975	266	4929	77-01-01	77-12-31	IS : 1029—1970
214	4178	77-02-01	78-01-31	IS : 2831—1975	267	4930	77-01-01	78-01-31	IS : 2879—1975
215	4185	77-01-01	77-12-31	IS : 5950—1971	268	4931	77-01-01	77-12-31	IS : 2567—1973
216	4186	77-02-01	78-01-31	IS : 5346—1975	269	4932	77-01-01	77-12-31	IS : 398—1961
217	4212	77-02-16	78-02-15	IS : 10—1970	270	4934	77-01-01	77-12-31	IS : 458—1971
218	4258	77-01-01	77-12-31	IS : 5950—1971	271	4935	77-01-01	78-02-28	IS : 633—1972
219	4346	77-01-01	77-12-31	IS : 565—1975	272	4936	77-01-01	77-12-31	IS : 266—1961
220	4463	76-12-16	77-12-15	IS : 781—1967	273	4937	77-01-01	77-12-31	IS : 2802—1964
221	4610	76-12-01	77-11-30	IS : 10—1970	274	4940	77-01-16	78-01-15	IS : 325—1970
222	4703	76-11-16	77-11-15	IS : 1848—1971	275	4947	77-11-16	78-11-15	IS : 2430—1973
223	4731	76-10-16	77-10-15	IS : 633—1975	276	4956	77-01-16	78-01-15	IS : 778—1971
224	4753	76-11-01	77-10-31	IS : 633—1975	277	4957	77-01-16	78-01-15	IS : 1520—1972
225	4754	76-11-01	77-10-31	IS : 2567—1973	278	4958	77-01-16	78-01-15	IS : 1601—1960
226	4795	76-11-01	77-10-31	IS : 916—1966	279	4966	77-01-01	77-12-31	IS : 2148—1968
227	4806	76-12-01	77-11-30	IS : 4072—1975	280	4987	77-02-01	78-01-31	IS : 10 (भाग 3)—1974
228	4820	76-12-01	78-02-28	IS : 4323—1967	281	5003	77-01-01	77-12-31	IS : 398—1961
229	4822	76-12-01	77-11-30	IS : 1601—1960	[सं. सी.एम.टी./13-12] ए. पी. बनर्जी, उपसहाय निदेशक				
230	4823	76-12-01	77-12-15	IS : 7193—1974					
231	4829	76-12-01	77-11-30	IS : 633—1975	New Delhi, the 1979-11-29				
232	4833	76-12-01	77-11-30	IS : 564—1975					
233	4838	76-12-16	77-12-15	IS : 171—1973	S. O. 4009.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that 281 licences, particulars of which are given in the following Schedule have been renewed during the month of January 1977.				
234	4842	76-12-01	77-11-30	IS : 6914—1973					
235	4843	76-12-01	77-11-30	IS : 6915—1973	SCHEDULE				
236	4846	76-12-01	77-11-30	IS : 1079—1973					
237	4849	76-12-01	77-11-30	IS : 6240—1970	Sl. CM/L No. No.				
238	4851	76-12-01	77-11-30	IS : 3885 (भाग 1 और 2)—1966					
239	4853	76-12-16	77-12-15	IS : 633—1975	Valid				
240	4856	76-12-16	78-01-31	IS : 8051—1976					
241	4857	76-12-16	77-12-15	IS : 778—1971	From To				
242	4864	76-12-16	77-12-15	IS : 5604—1970					
243	4873	76-12-01	77-12-30	IS : 7406—1974	(1) (2) (3) (4) (5)				
244	4879	76-12-16	77-12-15	IS : 1925—1974					
245	4882	76-12-16	77-12-15	IS : 774—1971	1.	6	77-01-01	77-12-31	IS : 434 Part I & II—1964
246	4884	76-12-16	77-12-15	IS : 325—1970	2.	41	76-12-16	77-12-15	IS : 323—1952
247	4889	76-12-01	77-11-30	IS : 7406—1974	3.	50	77-02-01	78-01-31	IS : 10—1970
248	4895	76-12-16	77-12-15	IS : 1161—1968	4.	51	77-02-01	78-01-31	IS : 10—1970
249	4900	77-01-01	77-12-31	IS : 362—1968	5.	53	77-01-01	77-12-31	IS : 10—1970
				IS : 1341—1970	6.	57	77-02-01	78-01-31	IS : 10—1970
250	4903	77-01-01	77-12-31	IS : 398—1961	7.	59	77-02-01	78-01-31	IS : 10—1970
251	4901	76-12-16	77-12-15	IS : 633—1975	8.	78	77-02-01	78-01-31	IS : 10—1970
252	4905	76-12-16	77-12-15	IS : 4323—1967	9.	86	77-02-01	78-01-31	IS : 10—1970
253	4906	76-12-06	66-12-15	IS : 3903—1975	10.	101	77-01-01	77-12-31	IS : 10—1970
254	4907	76-12-16	77-12-15	IS : 5281—1969	11.	112	77-01-01	77-12-31	IS : 388—1972
255	4908	76-12-16	77-12-15	IS : 2567—1973	12.	116	77-02-16	78-02-15	IS : 10—1970
256	4909	77-01-01	77-12-31	IS : 5346—1975	13.	135	77-01-01	78-01-31	IS : 10—1970
257	4910	77-01-01	77-12-31	IS : 7122—1973	14.	143	77-01-01	77-12-31	IS : 10—1970
258	4911	77-01-01	77-12-31	IS : 1971—1972	15.	187	77-01-01	77-12-31	IS : 692—1973
259	4912	77-01-01	77-12-31	IS : 7538—1975	16.	224	77-01-01	77-12-31	IS : 10—1970
260	4917	77-01-01	77-12-31	IS : 4328—1967	17.	232	77-02-01	78-01-31	IS : 10—1970
261	4918	77-01-01	77-12-31	IS : 1283—1968	18.	363	76-12-16	77-12-15	IS : 325—1970
262	4923	77-01-01	77-12-31	IS : 2403—1961	19.	369	77-01-01	77-12-31	IS : 916—1975
263	4924	77-01-01	77-12-31	IS : 1977—1975	20.	371	77-01-01	77-12-31	IS : 916—1968
264	4925	77-01-01	77-12-31	IS : 1977—1975	21.	376	77-01-16	78-01-15	IS : 10—1970
					22.	424	77-01-01	77-12-31	IS : 398—1961
					23.	481	76-11-16	77-11-15	IS : 275—1961
					24.	489	77-01-16	78-01-15	IS : 325—1970

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
25.	490	77-01-16	78-01-15	IS : 996—1964	67.	1516	77-01-16	78-01-15	IS : 10—1970
26.	495	77-01-16	78-01-15	IS : 55—1950	68.	1591	77-01-01	77-12-31	IS : 3564—1975
27.	544	77-01-01	77-12-31	IS : 434 (Part I & II) —1964	69.	1606	77-01-16	78-01-15	IS : 10—1970
28.	553	77-01-01	77-12-31	IS : 694 (Part I & II) —1964	70.	1610	77-02-01	78-01-31	IS : 10—1970
29.	559	77-01-01	77-12-31	IS : 694—1964	71.	1627	77-02-01	78-01-31	IS : 10—(Pt III)— 1974
30.	573	77-01-01	77-12-31	IS : 1166—1973	72.	1659	77-01-16	78-01-15	IS : 633—1975
31.	629	77-01-01	77-12-31	IS : 1855—1961 & IS : 1856—1970	73.	1660	77-01-16	78-01-15	IS : 2567—1973
32.	650	77-01-01	77-12-31	IS : 2243—1971	74.	1702	77-01-01	77-12-31	IS : 398—1961
33.	665	76-12-16	77-12-15	IS : 226—1975	75.	1758	77-01-01	77-12-31	IS : 3623—1966
34.	666	76-12-16	77-12-15	IS : 1977—1975	76.	1759	77-01-01	77-12-31	IS : 3975—1967
35.	685	77-01-01	77-12-31	IS : 226—1975	77.	1762	77-01-01	77-12-31	IS : 2266—1970
36.	686	77-01-01	77-12-31	IS : 1977—1975					IS : 2365—1963
37.	752	77-01-16	78-01-15	IS : 2548—1967	78.	1816	77-01-01	77-12-31	IS : 2581—1968
38.	788	76-12-16	77-12-15	IS : 1135—1973					IS : 3035 (Pt I to III)— 1965
39.	865	77-01-01	77-12-31	IS : 2818 (Pt II)— 1971	79.	1827	77-01-01	77-12-31	IS : 2465—1969
				IS : 3790—1966	80.	1867	77-01-01	77-12-31	IS : 57—1965
40.	870	76-12-01	77-11-30	IS : 1943—1964, IS : 2874—1964, IS : 2875—1964, IS : 2566—1965	81.	1868	77-01-01	77-12-31	IS : 35—1950
41.	884	76-12-01	77-11-30	IS : 1943—1964, IS : 2566—1965	82.	1879	77-01-01	77-12-31	IS : 6902—1973
42.	886	76-12-01	77-11-30	IS : 1943—1964, IS : 2566—1965	83.	1882	77-01-01	77-12-31	IS : 3196—1974
43.	898	76-12-01	77-11-30	IS : 1943—1964, IS : 2566—1965	84.	1895	77-02-01	78-01-31	IS : 245—1962
44.	920	76-12-01	77-11-30	IS : 1943—1964, IS : 2874—1964, IS : 2875—1964, IS : 2566—1965, IS : 3794—1966	85.	1896	77-01-01	77-12-31	IS : 3035 (Part I II)—1965
45.	950	76-12-01	77-11-30	IS : 1943—1964 IS : 2874—1964 IS : 2875—1964 IS : 2566—1965 IS : 3794—1966	86.	1944	77-01-01	77-12-31	IS : 2418—1964
46.	963	76-12-01	77-11-30	IS : 2818 (Pt II)— 1971 IS : 3790—1966	87.	1919	77-01-01	77-12-31	IS : 2593—1964
47.	975	76-12-16	77-12-15	IS : 21—1975	88.	1936	77-01-01	77-12-31	IS : 10—1970
48.	980	77-01-01	77-12-31	IS : 1554 (Pt I)— 1964	89.	1959	77-02-01	78-01-31	IS : 10—1970
49.	981	77-01-01	77-12-31	IS : 1040—1960	90.	2016	77-01-01	77-12-31	IS : 4510—1968
50.	983	77-01-16	78-01-15	IS : 35—1950	91.	2017	77-01-01	77-12-31	IS : 774—1971
51.	984	77-01-16	78-01-15	IS : 57—1965	92.	2121	76-11-01	77-01-31	IS : 1363—1967, IS : 1364—1967, IS : 1365—1968, IS : 1368—1968, IS : 2585—1968, IS : 2609—1964
52.	999	77-01-01	77-12-31	IS : 779—1968	93.	2124	77-01-01	77-12-31	IS : 10—1970
53.	1100	77-01-01	77-12-31	IS : 1596—1970	94.	2144	76-12-01	77-11-30	IS : 1729—1964
54.	1131	77-01-01	77-12-31	IS : 694 (Pt I & II)— 1964	95.	2146	77-01-01	77-12-31	IS : 561—1972
55.	1153	77-01-01	77-12-31	IS : 2791—1964	96.	2152	76-12-01	77-11-30	IS : 10—1970
56.	1162	77-01-01	77-12-31	IS : 398—1961	97.	2167	76-12-16	77-12-15	IS : 21—1975
57.	1176	77-01-01	77-12-31	IS : 1536—1967	98.	2169	77-01-01	77-12-31	IS : 1392—1971
58.	1189	77-01-01	77-12-31	IS : 1547—1968	99.	2175	76-12-16	77-12-15	IS : 694 (Pt I & II) —1964
59.	1196	77-01-01	77-12-31	IS : 2556 (Pt I to XII)—1967	100.	2178	77-01-01	77-12-31	IS : 10—1970
60.	1287	77-01-01	77-12-31	IS : 781—1967	101.	2180	77-01-01	77-12-31	IS : 10—1970
61.	1319	77-01-16	78-01-15	IS : 264—1964	102.	2186	77-01-01	77-12-31	IS : 10 (Pt III)—1974
62.	1323	77-01-01	77-12-31	IS : 1834—1961	103.	2192	77-01-01	77-12-31	IS : 220—1972
63.	1342	77-01-01	77-12-31	IS : 221—1971	104.	2195	77-01-01	77-12-31	IS : 10—1970
64.	1353	77-01-01	77-12-31	IS : 1551—1976	105.	2202	76-12-01	77-11-30	IS : 4856—1968
65.	1380	77-01-01	77-12-31	IS : 1596—1970	106.	2213	77-01-16	78-01-15	IS : 10—1970
66.	1505	77-01-01	77-12-31	IS : 398—1961	107.	2216	77-02-01	78-01-31	IS : 10—1970
					108.	2220	77-02-01	78-01-31	IS : 560—1969
					109.	2240	77-01-01	77-12-31	IS : 10 (Pt III)—1974
					110.	2323	76-12-16	77-12-15	IS : 10 (Pt III)—1974
					111.	2363	76-10-16	77-10-15	IS : 325—1970
					112.	2367	76-12-01	77-11-30	IS : 10—1970
					113.	2370	77-01-01	77-12-31	IS : 10 (Pt III)—1974
					114.	2377	76-12-16	77-12-15	IS : 10 (Pt III)—1974
					115.	2399	76-12-01	77-11-30	IS : 3196—1974
					116.	2421	76-10-01	77-03-31	IS : 1310—1974
					117.	2478	76-12-16	77-12-15	IS : 3811—1976
					118.	2480	76-12-16	77-12-15	IS : 4449—1967
					119.	2509	76-12-16	77-12-15	IS : 3035 (Pt I)— 1965

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
120.	2536	77-02-01	78-01-01	IS : 1786—1965	178.	3656	77-01-16	78-01-15	IS : 564—1975
121.	2537	76-12-01	77-11-30	IS : 4552—1958	179.	3661	77-01-16	78-01-15	IS : 398—1961
122.	2549	76-12-01	77-11-30	IS : 4900—1969	180.	3662	77-01-16	78-01-15	IS : 561—1972
123.	2550	77-02-01	78-01-31	IS : 10 (Pt III)—1974	181.	3663	77-01-16	78-01-15	IS : 562—1972
124.	2555	77-01-01	77-12-31	IS : 4900—1969	182.	3664	77-01-16	78-01-15	IS : 1601—1960
125.	2570	76-12-01	77-11-30	IS : 4900—1969	183.	3666	77-01-16	78-01-15	IS : 1307—1973
126.	2618	77-01-01	77-12-31	IS : 552—1972	184.	3679	77-02-01	78-01-31	IS : 10—1970
127.	2619	77-01-01	77-12-31	IS : 565—1975	185.	3698	77-02-01	78-01-31	IS : 1601—1960
128.	2622	76-10-01	77-09-30	IS : 325—1970	186.	3828	77-01-16	78-01-15	IS : 325—1970
129.	2672	76-12-01	77-11-30	IS : 4900—1969	187.	3856	77-01-01	77-12-31	IS : 6595—1972
130.	2674	76-12-01	77-11-30	IS : 4900—1969	188.	3893	77-01-01	78-01-31	IS : 1703—1968
131.	2703	76-12-01	77-11-30	IS : 3224—1971	189.	3920	76-11-01	77-10-31	IS : 2888—1964
132.	2728	77-01-01	77-12-31	IS : 5086—1969	190.	3965	77-01-16	78-01-15	IS : 780—1969
133.	2746	76-12-16	77-12-15	IS : 2548—1967	191.	4018	76-11-01	77-10-31	IS : 2568—1973
134.	2789	76-12-01	77-11-30	IS : 10—1970	192.	4043	76-11-16	77-11-15	IS : 4432—1967
135.	2804	76-12-01	77-11-30	IS : 3984—1967, IS : 3969—1967	193.	4044	76-11-16	77-11-15	IS : 4398—1969
136.	2805	77-01-01	77-12-31	IS : 398—1961	194.	4045	76-11-16	77-11-15	IS : 5517—1969
137.	2819	76-12-01	77-11-30	IS : 1786—1966	195.	4079	76-12-01	77-11-30	IS : 4246—1972
138.	2822	76-12-01	77-11-01	IS : 1493—1969	196.	4093	77-01-01	77-12-31	IS : 6439—1974
139.	2825	76-12-01	77-11-30	IS : 2566—1965 IS : 1943—1964	197.	4094	77-01-01	77-12-31	IS : 1601—1960
140.	2829	76-12-16	77-12-15	IS : 265—1962	198.	4095	77-01-01	77-12-31	IS : 2568—1973
141.	2830	76-12-16	77-12-15	IS : 266—1961	199.	4096	77-01-01	77-12-31	IS : 3224—1971
142.	2851	76-12-16	77-12-15	IS : 1943—1964 IS : 2566—1965	200.	4104	77-01-01	77-12-31	IS : 3589—1966
143.	2856	77-01-01	77-12-31	IS : 19—1970	201.	4105	77-01-01	77-12-31	IS : 2148—1968
144.	2860	77-01-01	77-12-31	IS : 398—1961	202.	4106	77-01-01	77-12-31	IS : 2373—1973
145.	2861	77-01-16	78-01-15	IS : 6595—1972	203.	4107	77-01-01	77-12-31	IS : 1989—1973
146.	2862	76-12-01	77-11-30	IS : 2580—1965	204.	4108	77-01-01	77-12-31	IS : 4246—1972
147.	2903	77-01-01	77-12-31	IS : 774—1971	205.	4109	77-01-01	77-12-31	IS : 2141—1968
148.	2912	77-01-16	78-01-15	IS : 366—1976	206.	4112	77-01-01	77-12-31	IS : 1239 (Pt I)—1973
149.	3105	76-12-16	77-12-15	IS : 1011—1968	207.	4113	77-01-01	77-12-31	IS : 1703—1968
150.	3106	77-01-01	77-12-31	IS : 1322—1970	208.	4134	77-01-16	78-01-15	IS : 1601—1960
151.	3155	76-09-16	77-09-15	IS : 4306—1973	209.	4135	77-01-01	77-12-31	IS : 5346—1975
152.	3246	76-12-16	77-12-15	IS : 3309—1965	210.	4152	77-02-01	78-01-31	IS : 4246—1972
153.	3266	77-01-01	77-12-31	IS : 3131—1965	211.	4164	77-02-01	78-01-31	IS : 10—1970
154.	3280	77-01-16	78-01-15	IS : 1601—1960	212.	4167	77-02-01	78-01-31	IS : 10—1970
155.	3285	77-01-01	77-12-31	IS : 1554 (Pt I & II)— 1964	213.	4177	77-02-01	78-01-31	IS : 2830—1975
156.	3286	77-01-01	77-12-31	IS : 1596—1970	214.	4178	77-02-01	78-01-31	IS : 2831—1975
157.	3287	77-01-01	77-12-31	IS : 3035 (Pt I & II)— 1965	215.	4185	77-01-01	77-12-31	IS : 5950—1971
158.	3289	77-01-16	78-01-15	IS : 966—1962	216.	4186	77-02-01	78-01-31	IS : 5346—1975
159.	3290	77-01-16	78-01-15	IS : 1230—1968	217.	4212	77-02-16	78-02-15	IS : 10—1970
160.	3294	76-12-01	77-11-30	IS : 4288—1967	218.	4258	77-01-01	77-12-31	IS : 5950—1971
161.	3316	77-01-01	77-12-31	IS : 1835—1966	219.	4346	77-01-01	77-12-31	IS : 565—1975
162.	3322	77-01-01	77-12-31	IS : 434 (Pt I & II)— 1964	220.	4463	76-12-16	77-12-15	IS : 781—1967
163.	3323	77-01-01	77-12-31	IS : 694 (Pt I & II)— 1964	221.	4610	76-12-01	77-11-30	IS : 10—1970
164.	3324	77-01-01	77-12-31	IS : 398—1961	222.	4703	76-11-16	77-11-15	IS : 1848—1971
165.	3374	77-01-16	78-01-15	IS : 398—1961	223.	4731	76-10-16	77-10-15	IS : 633—1975
166.	3477	77-01-01	77-12-31	IS : 4382—1967	224.	4753	76-11-01	77-10-31	IS : 633—1975
167.	3542	77-01-16	78-01-15	IS : 398—1961	225.	4754	76-11-01	77-10-31	IS : 2567—1973
168.	3640	76-12-16	77-12-15	IS : 1786—1966	226.	4795	76-11-01	77-10-31	IS : 916—1966
169.	3643	77-01-01	77-12-31	IS : 2148—1968	227.	4806	76-12-01	77-11-30	IS : 4072—1975
170.	3645	77-01-01	77-12-31	IS : 2148—1968	228.	4820	76-12-01	78-02-28	IS : 4323—1967
171.	3647	77-01-01	77-12-31	IS : 2148—1968	229.	4822	76-12-01	77-11-30	IS : 1601—1960
172.	3648	77-01-01	77-12-31	IS : 2148—1968	230.	4823	76-12-01	77-12-15	IS : 7193—1974
173.	3649	77-01-01	77-12-31	IS : 2148—1968	231.	4829	76-12-01	77-11-30	IS : 633—1975
174.	3650	77-01-01	77-12-31	IS : 2148—1968	232.	4833	76-12-01	77-11-30	IS : 564—1975
175.	3653	77-01-01	77-12-31	IS : 2925—1964	233.	4838	76-12-16	77-12-15	IS : 171—1973
176.	3654	77-01-01	77-12-31	IS : 1786—1966	234.	4842	76-12-01	77-11-30	IS : 6914—1973
177.	3655	77-01-16	78-01-15	IS : 561—1972	235.	4843	76-12-01	77-11-30	IS : 6915—1973
					236.	4846	76-12-01	77-11-30	IS : 1079—1973
					237.	4849	76-12-01	77-11-30	IS : 6240—1970
					238.	4851	76-12-01	77-11-30	IS : 3885 (Pt I & II)— 1966
					239.	4853	76-12-16	77-12-15	IS : 633—1975

(1)	(2)	(3)	(4)	(5)
240. 4856	76-12-16	78-01-31	IS:8051-1976	
241. 4857	76-12-16	77-12-15	IS:778-1971	
242. 4864	76-12-16	77-12-15	IS:5604-1970	
243. 4873	76-12-01	77-12-30	IS:7406-1974	
244. 4879	76-12-16	77-12-15	IS:1925-1974	
245. 4882	76-12-16	77-12-15	IS:774-1971	
246. 4884	76-12-16	77-12-15	IS:325-1970	
247. 4889	76-12-01	77-11-30	IS:7406-1974	
248. 4895	76-12-16	77-12-15	IS:1161-1968	
249. 4900	77-01-01	77-12-31	IS:362-1968	
			IS:1341-1970	
250. 4903	77-01-01	77-12-31	IS:398-1961	
251. 4904	76-12-16	77-12-15	IS:633-1975	
252. 4905	76-12-16	77-12-15	IS:4323-1967	
253. 4906	76-12-16	77-12-15	IS:3903-1975	
254. 4907	76-12-16	77-12-15	IS:5281-1969	
255. 4908	76-12-16	77-12-15	IS:2567-1973	
256. 4909	77-01-01	77-12-31	IS:5346-1975	
257. 4910	77-01-01	77-12-31	IS:7122-1973	
258. 4911	77-01-01	77-12-31	IS:1971-1972	
259. 4912	77-01-01	77-12-31	IS:7538-1975	
260. 4917	77-01-01	77-12-31	IS:4328-1967	
261. 4918	77-01-01	77-12-31	IS:1283-1968	
262. 4923	77-01-01	77-12-31	IS:2403-1964	
263. 4924	77-01-01	77-12-31	IS:1977-1975	
264. 4925	77-01-01	77-12-31	IS:1977-1975	
265. 4927	77-01-01	77-12-31	IS:4323-1967	
266. 4929	77-01-01	77-12-31	IS:1029-1970	
267. 4930	77-01-01	78-01-31	IS:2879-1975	
268. 4931	77-01-01	77-12-31	IS:2567-1973	
269. 4932	77-01-01	77-12-31	IS:398-1961	
270. 4934	77-01-01	77-12-31	IS:458-1971	
271. 4935	77-01-01	78-02-28	IS:633-1972	
272. 4936	77-01-01	77-12-31	IS:266-1961	
273. 4937	77-01-01	77-12-31	IS:2802-1964	
274. 4940	77-01-16	78-01-15	IS:325-1970	
275. 4947	77-11-16	78-11-15	IS:2830-1973	
276. 4956	77-01-16	78-01-15	IS:778-1971	
277. 4957	77-01-16	78-01-15	IS:1520-1972	
278. 4958	77-01-16	78-01-15	IS:1601-1960	
279. 4966	77-01-01	77-12-31	IS:2148-1968	
280. 4987	77-02-01	78-01-31	IS:10(Pt III)—1974	
281. 5003	77-01-01	77-12-31	IS:398-1961	

[No. CMD/13:12]

A. P. BANERJI, Dy. Dir. General

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 7 दिसम्बर, 1979

का० आ० 4010—उद्योग (विकास एवं विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विकास परिषद् (कार्यविधिका) नियमावली, 1951 के नियम 2, 4, एवं 5 के साथ पढ़ते हुए तथा भारत सरकार के उद्योग मंत्रालय, औद्योगिक विकास विभाग के का० आ० 5-6/78-सीमेंट दिनांक 24 सितम्बर, 1979 के आदेश के आंशिक संशोधन में केन्द्रीय सरकार एतद्वारा श्री कमलजीत सिंह, प्रबन्धक निदेशक, एसोसियेटेड, कम्पनीज लिमिटेड, बम्बई के स्थान पर अध्यक्ष, सीमेंट मैन्युफैक्चरर्स एसोसियेशन एससप्रेस

बिल्डिंग, बम्बई को सीमेंट उद्योग की विकास परिषद् का सदस्य नियुक्त करती है।

[सं० 5-6/78-सीमेंट]

एम० एम० सोहोनी, उप सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

ORDER

New Delhi, the 7th December, 1979

S.O. 4010.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4, and 5 of the Development Councils (Procedural) Rules, 1951, and in partial modification of the order of the Government of India in the Ministry of Industry (Development of Industrial Development S.O. 5-6/78-Cem. dated the 24th September, 1979, the Central Government hereby appoints the President of the Cement Manufacturers Association, Express Building, Bombay as member of the Development Council for Cement Industry in place of Shri Kamaljit Singh, Managing Director, the Associated Cement Companies Ltd., Bombay.

[No. 5-6/78-Cement]

S. S. SOHONI, Dy. Secy.

ग्रामीण पुनर्निर्माण मंत्रालय

नई दिल्ली, 30 नवम्बर, 1979

का० आ० 4011.—जोरा श्रेणीकरण और चिह्नांकन नियम, 1969 में संशोधन करने के लिए नियमों का एक प्राकृत्य, छवि उपज (श्रेणीकरण और चिह्नांकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा यथा अपेक्षित रूप में, भारत सरकार के छवि और सिचाई मंत्रालय (ग्रामीण विकास विभाग) की अधिसूचना संख्या का० आ० 3319 तारीख 30 नवम्बर, 1977 के अतिरिक्त भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (दो) तारीख 22 अक्टूबर, 1977 के पृष्ठ 3768 पर प्रकाशित किया गया था, जिसमें उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख के पश्चात् दिनों की शर्तों को उपाप्ति तक उन सभी व्यक्तियों से आपत्तियों और सुझाव मांगे गए थे, जिनके उत्तर प्रकाशित होने की सम्भावना है।

और उक्त राजपत्र 22 अक्टूबर, 1977 को जनता को उपलब्ध करा दिया गया था;

और केन्द्रीय सरकार ने उक्त प्राकृत्य की वास्तव प्राप्त आपत्तियों और सुझावों पर विचार कर लिया है;

अतः, अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करती हुई, जोरा श्रेणीकरण और चिह्नांकन नियम, 1969 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. इन नियमों का संक्षिप्त नाम जोरा श्रेणीकरण और चिह्नांकन (संशोधन) नियम, 1979 है।

2. जोरा श्रेणीकरण और चिह्नांकन नियम, 1969 में, अनुसूची 2 में, रतन 1 में, क्रम संख्या 4 और उससे सम्बन्धित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्या प्रविष्टि और लिप्पण अन्तःस्थापित किया जाएगा, अर्थात्:—

"5. अतिनिर्दिष्ट श्रेणी: जैता क्रेता और निर्यातकर्ता के बीच करार किया जाए।

टिप्पण: अधिनिर्दिष्ट धेगो के अधीन जीरे का निर्यात इस वान के अधीन रहते हुए लिया जाएगा कि किसी विदेशी केना से प्राप्त निश्चित आदेश प्रस्तुत किया जाए जिसमें जीरे की किस्म और अपेक्षित मात्रा उपदर्शित की गई हो और जीरे की कीमत के संदाय की प्रगणति दी गई हो।"

[सं. ए० 13-1/77-ए० एम०]

MINISTRY OF RURAL RECONSTRUCTION

New Delhi, the 30th November, 1979

S.O. 4011.—Whereas the draft rules to amend the Cuminseed Grading and Marking Rules, 1969, were published as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), at page 3768 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated 22nd October, 1977, with the notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Rural Development) No. S.O. 3319, dated 30th September, 1977, inviting objections and suggestions from all persons likely to be affected thereby within a period of forty-five days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And whereas the said Gazette was made available to the public on the 22nd October, 1977;

And whereas objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules to amend the Cuminseed Grading and Marking Rules, 1969, namely:—

RULES

1. These rules may be called the Cum'nseds Grading and Marking (Amendment) Rules, 1979.
2. In the Cuminseeds Grading and Marking Rules, 1969. in Schedule II, in column 1, after serial number 4 and the entries relating thereto, the following serial number, entry and note shall be inserted, namely:—

"5. Non-specified Grade: As agreed between buyer and exporter.

NOTE: Export of Cuminseeds under non-specified grade shall be subject to the production of a firm order from a foreign buyer which shall indicate the quality, and the quantity required, of the cuminseeds, and shall also guarantee the payment of the price of the Cuminseeds."

[No. F. 13-1/77-AM]

का० आ० 4012.—अदरक श्रेणीकरण और चिह्नन नियम, 1964 में और संशोधन करने के लिए कृषि उपज (श्रेणीकरण और चिह्नन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाने की प्रस्तावना करती है, उक्त धारा द्वारा यथा अपेक्षित उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिनका उसके द्वारा प्रभावित होना सम्भाव्य है और सूचना दी जाती है कि उक्त प्रारूप पर, उस तारीख से, जिसको उस राजपत्र की प्रतियां, जिसमें यह अधिसूचना प्रकाशित की जाती है, जनता को उपलब्ध कराई जाती है, तीस दिन की अवधि कि समाप्ति पर या उसके पश्चात् विचार किया जाएगा।

उक्त प्रारूप की बाबत किसी भी व्यक्ति से इस प्रकार विनिर्दिष्ट अवधि की समाप्ति से पूर्व प्राप्त किसी भी आपत्ति या सुझाव पर केन्द्रीय सरकार विचार करेगी।

नियमों का प्रारूप

1. इन नियमों का नाम अदरक श्रेणीकरण और चिह्नन (संशोधन) नियम, 1979 है।

2. अदरक श्रेणीकरण और चिह्नन नियम, 1964 में, अनुसूची 10 में, स्तम्भ 5 के शीर्षक में, 'अधिकतम' शब्द के स्थान पर 'न्यूनतम' शब्द रखा जाएगा।

[सं० 13(9)-73-ए० एन०]

S.O. 4012.—The following draft of certain rules further to amend the Ginger Grading and Marking Rules, 1964, which the Central Government purpose to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) is hereby published, as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of thirty days from the date on which copies of the Official Gazette in which this notification is published are made available to the public.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be taken into consideration by the Central Government.

DRAFT RULES

1. These rules may be called the Ginger Grading and Marking (Amendment) Rules, 1979.
2. In the Ginger Grading and Marking Rules, 1964, in Schedule X, in the heading to column 5, for the word "Maximum", the word, "Minimum", shall be substituted.

[No. F. 13-9/73-AM]

का० आ० 4013.—तम्बाकू श्रेणीकरण और चिह्नन नियम, 1937 में संशोधन करने के लिए नियम का एक प्रारूप, कृषि उपज (श्रेणीकरण और चिह्नन) अधिनियम 193 (1937 का 1) की धारा 3 द्वारा यथा अपेक्षित भारत सरकार के कृषि और सिंचाई मंत्रालय (ग्राम विकास विभाग) की अधिसूचना संख्या का० आ० 3165 तारीख 21 अक्टूबर, 1978 के अधीन, भारत सरकार के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 4 नवम्बर 1978 तक पृष्ठ 3055 से 3165 (अ) पर प्रकाशित किया गया था, उस राजपत्र की जिसमें उक्त अधिसूचना प्रकाशित की गई थी, प्रति जनता में उपलब्ध हो जाने की तारीख से 45 दिन की अवधि की समाप्ति होने तक जिसके द्वारा उन सभी व्यक्तियों से आपत्तियां और सुझाव मांगे गए थे, जिनके उससे प्रभावित होने की सम्भावना है।

और उक्त राजपत्र 4 नवम्बर, 1978 को जनता को उपलब्ध करा दिया गया था;

और केन्द्रीय सरकार ने जनता से प्राप्त आपत्तियों और सुझाव पर विचार कर लिया है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तम्बाकू श्रेणीकरण और चिह्नानुक्रम नियम, 1937 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

नियम

1. (1) इन नियमों का नाम तम्बाकू श्रेणीकरण और चिह्नानुक्रम (संशोधन) नियम, 1979 है।

(2) तम्बाकू श्रेणीकरण और चिह्नानुक्रम नियम, 1937 में,—

(1) अनुसूची 2 में

(क) श्रेणी अधिधान (4) और उससे सम्बन्धित प्रविष्टियों के पश्चात्, निम्नलिखित अतिरिक्त श्रेणियाँ अन्तःस्थापित की जाएंगी, अर्थात्:—

विशेष अधिलक्षण

श्रेणी अधिधान	रंग	बनावट	कार्य और दशा
1	2	3	4
0 सी० 1-4	चमकीला नीलूई और या चमकीला नारंगी और या पीले से हलका नारंगी तक	उच्च से मध्यम	अच्छी काय पत्ते या टुकड़े जिसमें एगमार्क श्रेणी 1 से 3 तक कुल मिलाकर कम से कम 70 प्रतिशत तथा शेष एगमार्क श्रेणी 4 की।
0 एफ० 1-4	-यथोक्त-	-यथोक्त-	अच्छी काय पत्ते या टुकड़े जिसमें एगमार्क श्रेणी 1 से 3 तक कुल मिलाकर कम से कम 45 प्रतिशत तथा शेष एगमार्क श्रेणी 4 की।
0 एफ० 1-4	-यथोक्त-	-यथोक्त-	अच्छी काय पत्ते या टुकड़े जिसमें एगमार्क श्रेणी 1 से 3 तक कुल मिलाकर कम से कम 30 प्रतिशत तथा शेष एगमार्क श्रेणी 4 की।
0 टी० 1-4	-यथोक्त-	-यथोक्त-	अच्छी काय पत्ते या टुकड़े जिसमें एगमार्क श्रेणी 1 से 3 तक कुल मिलाकर कम से कम 15 प्रतिशत तथा शेष एगमार्क श्रेणी 4 की।

(ग) पाठ टिप्पण के अन्त में निम्नलिखित जोड़ा जाएगा, अर्थात्:—

0 (i) इन संयुक्त श्रेणी की पैकिंग और निर्यात विनिर्माता आयातकर्ता के लिखित आवेदन पर ही किया जाएगा।

0 (ii) जिन पैकेजों पर संयुक्त श्रेणी लिखा होगा उन्हें खुले बाजार में नहीं बेचा जाएगा, परन्तु यदि विनिर्माता आयातकर्ता परेणन स्वीकार नहीं करता है तो प्राधिकृत पैकर को, उसके द्वारा इस संबंध में कृषि विपणन सलाहकार, भारत सरकार या उसके द्वारा इस निमित्त प्रधिकृत किसी अधिकारी के समक्ष इस प्रभाव का समाधान प्रद साक्ष्य पेश किए जाने पर इस प्रकार की तम्बाकू खुले बाजार में बेचने की अनुमति दी जा सकती है;

(ग) 'डार्क बिट्स', 'ब्राइट पी० एल०', 'डार्क पी० एल०' और स्टेम्स श्रेणियों के बाव निम्नलिखित श्रेणियाँ अर्थात्, 'सामान्य बिट्स', 'सेमी ब्राइट पी० एल०', 'सामान्य पी० एल०', 'स्टेम्स' और 'स्टेम बिट्स' जोड़ी जाएगी :

विशेष अधिलक्षण

श्रेणी अधिधान	रंग	बनावट	काय और दशा
1	2	3	4
सामान्य बिट्स	श्रेणी 4, एल बी वार्ड, एल बी वार्ड 2, बी, एल जी, एल एम जी और एम जी का रंग। बी जी का रंग या डी बी का रंग 35 प्रतिशत तक ही अनुज्ञेय है।	मध्य से मोटी	कम से कम 5 सेन्टीमीटर लम्बे टुकड़े।
सेमी-ब्राइट पी एल	श्रेणी एल बी वार्ड, एल बी वार्ड 2, बी और एल एम एम जी का रंग।	-यथोक्त-	ऐसा काय, जो किसी भी पूर्ववर्ती मूल श्रेणी में नहीं आता।
सामान्य पी एल	श्रेणी 4, एल बी वार्ड, एल बी वार्ड 2, बी एल जी, एल एम जी और एम जी का रंग। डी जी का रंग या डी बी का रंग 35 प्रतिशत तक ही अनुज्ञेय है।	-यथोक्त-	यथोक्त-
स्टेम्स और स्टेम बिट्स			इसमें सम्पूर्ण मिश्रित, मिश्रित के टुकड़े जो बर्जी-निया प्रजाति की तम्बाकू और उसकी संकर किस्मों से निकालने के समय हटाए गए हैं। बर्जीनिया प्रजाति की तम्बाकू और संकर किस्मों से उसके प्राप्त किए गए मिश्रित के कोई भी टुकड़े जो विजातीय पदार्थों से मुक्त हैं।
स्टेम बिट्स	—	—	

(ii) अनुसूची 2 के बाद, निम्नलिखित अनुसूची अन्तःस्थापित की जाएगी, अर्थात् :—

अनुसूची 2 क

भारत में उत्पादित विनिर्मित फल्यु क्योर्ड वर्जीनिया (पिटार्ड के बाद का पत्रवल) तम्बाकू का श्रेणी अभिधान और वर्णन ।

1. पिटा हुआ पत्रवल फल्यु क्योर्ड वर्जीनिया प्रजाति की और उसकी संकर किस्मों की जिनके अभिलक्षण एक जैसे हैं, श्रेणीकृत तम्बाकू को पीटकर प्राप्त किया जाता है और इसमें पत्तों के ऐसे सिरे, जो पसे की लगभग 1/3 लम्बाई की काटकर प्राप्त होते हैं और सिरा-कटी पत्ती (बचा हुआ भाग) की यंत्र द्वारा पीटकर प्राप्त सिध-सिध लम्बाइयों के बोकिन बिट्स या टुकड़े हैं ।

2. पिटे हुए पत्रवल में, पत्तों के सिरे और सिरे कटे पत्तों से प्राप्त विभिन्न लम्बाई के ऐसे बोकिन बिट्स या टुकड़े हैं, जो यंत्रों से तोड़े गए हैं, किन्तु उसकी निम्नलिखित शर्तें हैं :—

- (क) पसे के सिरों का आकार लम्बाई में 3" से 6" के बीच होगा ।
- (ख) सिर कटे पत्तों से प्राप्त बोकिन बिट्स या टुकड़ों का आकार लम्बाई में 1/4" से 6" के बीच होगा ।
- (ग) पत्तों के सिरों का भार कुल पत्रवल के भार के 25 प्रतिशत से अधिक नहीं होगा ।
- (घ) पिटे हुए पत्रवल में 1/2" से अधिक लम्बे टुकड़े कुल उत्पाद के कम से कम 70 प्रतिशत (भार के अनुसार) होंगे ।
- (ङ) पटे हुए पत्रवल में 1/4" के आकार से कम के टुकड़े कुल उत्पाद के 10 प्रतिशत (भार के अनुसार) से अधिक नहीं होंगे ।
- (च) पिटे हुए पत्रवल में, स्टेम का कुल भार कुल उत्पाद के 5 प्रतिशत से अधिक नहीं होगा ।

3. पिटे हुए पत्रवल का निर्यात और पैकिंग निम्नलिखित शर्तों पर होगी :—

- (क) पिटे हुए पत्रवल के लिए नियत की जाने वाली श्रेणी, पिटाई के लिए पूर्ण पत्ते भेजने से पहले अवधारित की जाएगी । अनुसूची 2 में बसाए गए विनिर्मित फल्यु क्योर्ड वर्जीनिया तम्बाकू को लागू होने वाला श्रेणी विनिर्देश, तम्बाकू की पिटाई संयंत्र में जाने से पहले, प्रवर्तित किया जाएगा ।
- (ख) किसी विशिष्ट श्रेणी के लिए निरीक्षित और अनुमोदित तम्बाकू की ही निरीक्षण अधिकारी की उपस्थिति में, पिटाई करने की अनुमति दी जाएगी और एगमार्क लेबल पर "पिटा हुआ पत्रवल" पर कोष्ठक में तथा श्रेणी अभिधान चिह्न के साथ अंकित किया जाएगा ।
- (ग) एगमार्क चिह्नान्वित विनिर्मित फल्यु क्योर्ड वर्जीनिया तम्बाकू के पैकेजों की भांति ही, श्रेणीकृत "पिटा हुआ पत्रवल" तम्बाकू के पैकेजों के भी प्राथिक जांच नमूने लिए जाएंगे और जांच निरीक्षण किया जाएगा ।

(iii) अनुसूची III के पश्चात् निम्नलिखित अनुसूची अन्तःस्थापित की जाएगी, अर्थात् :—

"अनुसूची III क"

(निमन 2 और 3 देखिए)

भारत में उत्पादित विनिर्मित देशी तम्बाकू की क्वालिटी के श्रेणी अभिधान और वर्णन

विशिष्ट अभिलक्षण

श्रेणी अभिधान	रंग	व्यास	बोध
1	2	3	4
ओ एल बी वार्ड	पीला और/या नारंगी से हल्का भूरा तक और/या हल्का भूरा पीला/नारंगी, हल्का भूरा और/या हल्का हरा से लेकर गहरा हरा तक ।	सूक्ष्म से मध्यम	हल्की से अच्छी काय तक इसमें संपांजी पीछे में नीचे से लेकर ऊपर तक की पलियां हैं । पत्तों में भूरे या हरे धब्बे छिले हुए खरोच युक्त या अन्य बोध जो सम्पूर्ण क्षेत्र के 50 प्रतिशत से अधिक पर नहीं होने चाहिए ।
ओ बी बी	गहरा हरा, भूरा और/या सांभला	मध्यम से मोटी	हल्की से लेकर भारी काय की । इसमें पीछे में नीचे से लेकर ऊपर तक की पलियां हैं । पत्ती में अधिक बोध भी हो सकते हैं जो कुल क्षेत्र के 90 प्रतिशत तक हो सकते हैं ।

[सं० 13-3/78-ए० एम०]

प्रकाश चन्द्र, प्रवर सचिव

S.O. 4013.—Whereas certain draft rules to amend the Tobacco Grading and Marking Rules, 1937 were published as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), under the notification of the Government of India, Ministry of Agriculture and Irrigation (Department of Rural Development) No. S.O. 3165, dated the 21st October, 1978, at page 3055 to 3058 in the Gazette of India, Part II, section 3, sub-section (ii), dated the 4th November, 1978, inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of the period of 45 days from the date on which the copies of the Gazette containing the said notification are made available to the public ;

And whereas the said Gazette was made available to the public on the 4th November, 1978;

And whereas the objections and suggestions received from the public have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules to amend the Tobacco Grading and Marking Rules, 1937, namely :—

RULES

1. (1) These rules may be called the Tobacco Grading and Marking (Amendment) Rules, 1979.

(2) In the Tobacco Grading and Marking Rules, 1937,

(i) in Schedule II,—

(a) after grade designation "4" and the entries relating thereto, the following additional grades shall be inserted, namely :—

Grade designation	Special characteristics		
	Col	Texture	Body and condition
1	2	3	4
*C.1—4	Bright Lemon and/or bright orange and/or yellow to light orange.	Fine to medium	Good body leaves or strips consisting of Agmark grades 1 to 3 put together not less than 70 per cent and the balance of Agmark grade 4.
*F. 1—4	-do-	-do-	Good body leaves or strips consisting of Agmark grades 1 to 3 put together not less than 45 per cent and the balance of Agmark grade 4.
*S. 1—4	-do-	-do-	Good body leaves or strips consisting of Agmark grades 1 to 3 put together not less than 30 per cent and the balance of Agmark grade 4.
T.1—4	-do-	-do-	Good body leaves or strips consisting of Agmark grades 1 to 3 put together not less than 15 per cent and the balance of Agmark grade 4.

(b) in the foot notes, the following shall be added at the end, namely :—

* (i) The packing and export of these composite grades must be against a written order from a manufacturer/importer.

* (ii) The packages labelled as composite grades shall not be sold in the open market, provided that in case the manufacturer/importer does not accept the consignment, the authorised packer on producing the satisfactory evidence to that effect to the Agricultural Marketing Adviser to the Government of India, or to any other officer authorised by him in this behalf, may be permitted to sell such tobacco in the open market";

(c) after the grades "Dark Bits", "Bright PL", "Dark PL" and "Stems" the following additional grades, namely, "General Bits" "Semi-Bright PL", "General PL", "Stems and Stem Bits", and "Stem-Bits" shall be added:

Grade designation	Special characteristics		
	Colour	Texture	Body and condition
1	2	3	4
General Bits	Colour of Grades 4, LBY, LBY2 B, LG, LMG and MG. The colour of either DG or DB is permissible upto the extent of 35% only.	Medium to coarse	Broken pieces of not less than 5 centimetres long.
Semi Bright PL	The colour of Grades LBY, LBY2, B and LMG.	-do-	Body not covered by the description given for any of the foregoing straight grades.
General PL	Colour of Grades 4, LBY, LBY2, B, LG, LMG and MG. The colour of either DG or DB is permissible upto the extent of 35% only.	-do-	-do-
Stems and Stem Bits	.	.	Shall consist of whole mid-ribs and pieces of mid-ribs removed in the process of stemming from Virginia variety of tobacco and their hybrids.
Stem Bits.	..	.	Shall consist of any pieces of mid-ribs obtained from Virginia varieties of tobacco and their hybrids and shall be free from extraneous matter.

(ii) After Schedule II, the following Schedule shall be inserted, namely:—

SCHEDULE II-A

Grade designation and definition of unmanufactured Fluecured Virginia (Threshed Lamina) tobacco grown in India.

1. Threshed lamina is derived from graded tobacco leaves of Fluecured Virginia varieties and their hybrids having similar characteristics by threshing and shall consist of leaf tips obtained by cutting about 1/3 length of leaf and broken bits or pieces of varying lengths obtained by threshing the tipped leaf (remaining portion) mechanically.

2. Threshed lamina comprises of leaf tips and mechanically broken bits or pieces of lamina of varying lengths obtained from the tipped leaf subject to the following limitations :

- The size of leaf tips shall be between 3" to 6" in length.
- The size of broken bits or pieces obtained from the tipped leaf shall be in between 1/4" to 6" in length.
- The weight of leaf tips shall not exceed 25 % by weight of the total lamina.
- Threshed lamina shall contain a minimum of 70 % (by weight) of pieces of over 1/2" in length in the total product.
- Threshed lamina shall not contain more than 10 % (by weight) of pieces of less than 1/4" in size in the total product.
- The total stem in the threshed lamina shall not exceed 5 % by weight of the total product.

3. The packing and export of threshed lamina is subject to the following conditions:

- The grade to be assigned for the threshed lamina shall be determined before the whole leaf is issued for threshing. The grade, specifications applicable to the unmanufactured Fluecured Virginia tobacco as laid down in Schedule II, shall be enforced before putting the tobacco in the threshing plant.
- Only tobacco inspected and approved for a particular grade shall be allowed for threshing in the presence of an inspecting officer and on the Agmark label the words "Threshed Lamina" shall be stamped in bracket alongside the grade designation mark.
- Graded "Threshed lamina" tobacco packages are subjected to usual check sampling and check inspection as in the case of ag-marked unmanufactured Fluecured Virginia tobacco packages."

(iii) After Schedule III, the following Schedule shall be inserted, namely:—

"SCHEDULE III-A

(See rules 2 and 3)

Grade, designations and definitions of quality of unmanufactured Oriental tobacco grown in India

Grade designation	Special characteristics		
	Colour	Texture	Blemish
OLBY	Yellow and/or Orange to light brown and/or light brownish yellow/orange & light brownish and/or light to darkish green.	Fine to medium	Light to good body, embodying leaves from the various plant positions from bottom to top leaves. Leaves may have brown or green patches, spongy, bruised or other blemishes, but not exceeding 50% of the total area.
ODGB	Dark green, brown and/or burnt brown.	Medium to coarse	Light to heavy body, embodying leaves from the various plant positions from bottom to top leaves. Leaves may be heavily blemished upto 90% of the total area."

[No. F. 13-3/76-AM]

का० प्रा० 4014.—केंद्रीय सरकार कृषि उपज (श्रेणीकरण और चिह्नकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए काली मिर्च (श्रेणीकरण और चिह्नकन नियम, 1969 से उचित और संशोधन करना चाहते हैं। जैसा कि उक्त धारा में श्रेयस्विता है, प्रस्तावित संशोधनों का निम्नलिखित प्रारूप उन सभी व्यक्तियों को जानकारी के लिए प्रस्तुत किया जा रहा है, जिनके उक्त परामर्श होने की सम्भावना है। इसके द्वारा सूचना दी जाती है कि उक्त प्रारूप पर इस अधिनियम के राजपत्र में प्रकाशन के तत्पश्चात् के पश्चात् विचार किया जाएगा। ऊपर विनिर्दिष्ट सारांश से पूर्ण नियमों के उक्त प्रारूप की प्रतियां जो भी मांगें या सुझाव किसी व्यक्ति से प्राप्त हों, केन्द्रिय सरकार उन पर विचार करेगी।

नियमों का प्रारूप

- (1) इन नियमों का नाम काली मिर्च श्रेणीकरण और चिह्नकन (संशोधन) नियम, 1979 है।
- (1) काली मिर्च श्रेणीकरण और चिह्नकन नियम, 1969 में (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) नियम 4 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—

"4. पत्राविटी की परिभाषा —सम्बन्धित श्रेणी अधिनियम द्वारा उद्घाटित क्वालिटी उही होगी जो अनुसूची 2 और 3 के स्तम्भ 2 से 5 तक 1 अनुसूची 4 और 5 के स्तम्भ 2 से 4 तक 1 अनुसूची 6 और 7 के स्तम्भ 2 और 3 तथा अनुसूची 8 और 9 के स्तम्भ 2 से 6 तक में, प्रत्येक श्रेणी अधिनियम के सामने उद्घाटित है।"

(2) काली मिर्च श्रेणीकरण और चिह्नानुक्रम नियम 1969 में अनुसूची 3 और 4 के स्थान पर निम्नलिखित रखा जाएगा अर्थात्:—

अनुसूची 3

(नियम 3 और 4 देखिए)

बिना कटी गलाखार काली मिर्च के श्रेणी अभिधान और क्वालिटी की परिभाषा

श्रेणी अभिधान	+ अधिकतम विजातीय पदार्थ प्रतिशत	अधिकतम साइटबेरी प्रतिशत	अधिकतम नमी की मात्रा 00 (प्रतिशत)	साधारण विशेषताएं
1	2	3	4	5
एम यू जी श्रेणी 1	2.0	7.0	12.0	दक्षिण भारत में उगाई जाने वाली पाइनर नईग्रम की सूखी परिपक्व
एम यू जी श्रेणी 2	2.0	10.0	12.0	बेरी होगी, वर्ण भूरे से काले तक, सतह चमकदार और कीटाणु
एम यू जी 3 †	3.0	15.0	12.0	मुक्त।
एम यू जी श्रेणी 4†	4.0	20.0	12.0	

+ इसमें पिन हैड के साथ साथ धूल, मृत्ती, बीज और अन्य विजातीय पदार्थ भी समाविष्ट हैं। फर्स्ट क्लास काली मिर्च 2 प्रतिशत तक हो सकती है।

† साइट बेरी की मात्रा का परीक्षण अल्कोहल या वैथिलिस स्प्रिट में, जिसका अपेक्षित घनत्व 0.80 से 0.82 के बीच हो (लगभग 25° से.) सामान्य ताप पर प्लवन विधि से किया जाना चाहिए।

00 मानसून के मानों के दौरान, अर्थात् 15 मई से 30 सितम्बर तक, 0.5 प्रतिशत तक नमी अनुज्ञेय है।

† एम यू जी श्रेणी और एम यू जी 4 केवल निर्यात के लिए हैं।

अनुसूची 4

(नियम 3 और 4 देखिए)

+ छटी हुई एल्कोहल काली मिर्च के श्रेणी अभिधान और क्वालिटी की परिभाषा

श्रेणी अभिधान	× अधिकतम विजातीय पदार्थ (प्रतिशत)	अधिकतम पिन हैड (प्रतिशत)	साधारण विशेषताएं
1	2	3	4
जी एन विशेष श्रेणी	2.0	††	दक्षिण भारत में उगाई जाने वाली पाइनर नईग्रम की सूखी बेरी
जी एल श्रेणी 1	3.0	5.0	होगी। गहरे भूरे से गहरे काले रंग तक की और छटी हुई होंगी।
जी एन श्रेणी 2+ ++	5.0	10.0	अच्छी तरह सुखाई गई फर्स्ट या कीटों से मुक्त होगी।
जी एल श्रेणी 3†††	6.0	15.0	

† ऐसी काली मिर्च जो एल्कोहल या मैथिलिस स्प्रिट में, जिसका अपेक्षित घनत्व 0.80 से 0.82 के साथ हो, सामान्य तापमान (25° से.) लगभग पर तैलाई जाने पर प्लवन 50 प्रतिशत या अधिक हो।

× इसमें धूल, मृत्ती, बीज और अन्य विजातीय पदार्थ समाविष्ट हैं।

+ ++ जी एल विशेष श्रेणी के मामले में, विजातीय पदार्थों के अन्तर्गत पिन हैड भी हैं। पिन हैड के लिए अलग से सीक अनुज्ञेय नहीं है।

††† जी एल श्रेणी 2 और जी एन श्रेणी 3 केवल निर्यात के लिए हैं।

[सं० एक० 10-3/78—ए० एम०]

प्रकाश चक्र, प्रवर सचिव

S.O. 4014.— The following draft of certain rules to amend the Pepper Grading and Marking Rules, 1969, which the Central Government proposes to make, in exercise of the powers conferred, by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published, as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of fortyfive days from the date on which the Official Gazette containing this notification is made available to the public.

Any objections or suggestions which may be received from any persons with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES :

1. (i) These rules may be called the Pepper Grading and Marking (Amendment) Rules, 1979.

2. (i) In the Pepper Grading and Marking Rules, 1969, (herein after referred to as the said rules) for rule 4, the following rule shall be substituted, namely :—

"4. Definition of quality.—The quality indicated by the respective grade designation shall be as set out against each grade designation in columns (2) to (5) in Schedules II and III/columns (2) to (4) in Schedules IV and V/columns (2) and (3) in Schedules VI and VII and columns (2) to (6) in Schedules VIII and IX".

(ii) For [Pepper Grading and Marking Rules, 1969], Schedules III and IV the following shall be substituted, namely:—

SCHEDULE-III

(See rules 3 and 4)

Grade designations and definitions of quality of Ungarbled Malabar Black Pepper.

Grade Designation	*Extraneous matter not exceeding (per cent)	Light berries + not exceeding (per cent)	@ Moisture content not exceeding (per cent)	General Characteristics
MUG Grade 1	2.0	7.0	12.0	Shall be dried mature berries of the pipe ^r migram grown in South India, colour varying from brown to black with a wrinkled surface shall be free from insects.
MUG Grade 2	2.0	10.0	12.0	
MUG Grade 3£	3.0	15.0	12.0	
MUG Grade 4£	4.0	20.0	12.0	

*These comprise dust, chaff, packings and other foreign matter including pin-heads. Tolerance for mouldy pepper upto 2 per cent.

+Light berry content to be tested by floatation method in alcohol or methylated spirit of specific gravity 0.80 to 0.82 at room temperature (around 25°C).

@ During monsoon months, i.e. from 15th May to 30th September, a tolerance of 0.5 per cent is allowed in respect of moisture.

£MUG Grade 3 and MUG Grade 4 are meant for export only.

SCHEDULE -IV

(See rules 3 and 4)

Grade designations and definitions of quality of garbled Light Black Pepper*

Grade Designation	*Extraneous matter not exceeding (per cent)	Pinheads not exceeding (per cent)	General characteristics
(1)	(2)	(3)	(4)
GL Grade Special	2.0	£	Shall be dried berries of Piper nigrum grown in South India. Dark brown to dark black in colour and garbled. They shall be well dried and free from mould or insect.
GL Grade 1	3.0	5.0	
GL Grade 2 @	5.0	10.0	
GL Grade 3 @	6.0	15.0	

*Pepper in which 50 per cent or more float when stirred in alcohol or methylated spirit of 0.80 to 0.82 specific gravity at room temperature (around 25°C).

+These comprise dust, chaff, pickings and other foreign matter.

£In the case of "GL Grade Special" the extraneous matter includes pin-heads also. No separate allowance will be admissible for pin-heads.

@ GL Grade 2 and GL Grade 3 are meant for export only"

[No. F. 10-3/78-AM]

PRAKASH CHANDER, Under Secy.

निर्माण और आवास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 24 अक्टूबर, 1979

कां० प्र० 4015.—लोक परिसर (अनधिकृत बसलकारों की बेदखली) नियमावली, 1971 के नियम 6 के अनुसरण में तथा भारत सरकार, निर्माण और आवास मंत्रालय को दिनांक 20 फरवरी, 1976 की अधिसूचना संख्या एस० प्र० 1052 का अधिष्ठाण करते हुए केन्द्रीय सरकार निम्नलिखित सारणी के स्तम्भ 2 में विनिर्दिष्ट लोक परिसरों से सम्बन्धित किसी सम्पदा अधिकारी के समक्ष लम्बित किन्हीं मामलों को किसी ऐसे अन्य सम्पदा अधिकारी को अन्तरित करने हेतु उक्त सारणी के स्तम्भ 1 में उल्लिखित राजपत्रित अधिकारी को प्राधिकृत करती है।

सारणी

राजपत्रित अधिकारी	लोक परिसर
1	2
आयुक्त (भूमि) दिल्ली विकास प्राधिकरण	दिल्ली विकास प्राधिकरण से सम्बन्धित परिसर और अन्य ऐसे परिसर जो केन्द्रीय सरकार से सम्बन्धित हों तथा उक्त प्राधिकरण द्वारा नियंत्रित अथवा प्रबन्धित किए जाते हों।

[कां० सं० के० 11011/33/79-डीडी 1 ए]

जे० ए० समद, अवर सचिव

MINISTRY OF WORKS AND HOUSING

(Delhi Division)

New Delhi, the 24th October, 1979

S.O. 4015.—In pursuance of rule 6 of the Public Premises (Eviction of Unauthorised Occupants) Rules, 1971 and in supersession of the notification of Government of India in the Ministry of Works & Housing No. S.O.1052, dated the 20th February, 1976, the Central Government hereby authorises the Gazetted Officer mentioned in Column 1 of the Table below to transfer any proceedings pending before an Estate Officer and pertaining to public premises specified in column 2 of the said Table, for disposal to any other Estate Officer competent to dispose of the same.

TABLE

Gazetted Officer	Public Premises
1	2
The Commissioner..(Land) Delhi Development Authority	Premises belonging to the Delhi Development Authority and such other premises belonging to the Central Government as are controlled or managed by the said Authority.

[F. No. 11011/33/79-DDIA]

J. A. SAMAD, Under Secy.

सूचना और प्रसारण मंत्रालय

आदेश

नई दिल्ली, 28 नवम्बर, 1979

क्र० आ० 4016.—भारत सरकार के सूचना और प्रसारण मंत्रालय के आदेश संख्या एम० धो० 3792, दिनांक 2 दिसम्बर, 1966 की प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किए गए निर्देशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड बम्बई की सिफारिशों पर विचार करने के बाद एतद्वारा इसके साथ लगी अनुसूची के कालम 2 में दी गई फिल्मों को उनके सभी भारतीय भाषाओं के रूपांतरों सहित, जिनका विवरण प्रत्येक के सामने उक्त अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

अनुसूची

क्रम सं०	फिल्म का नाम	फिल्म की संख्या (मीटरों में)	आवेदक का नाम निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा संबंधी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या बाकुमेट्री फिल्म है।
1	2	3	4	5
1.	भारतीय समाचार चित्र [संख्या 1620 (राष्ट्रीय)]	189—00 (1)	फिल्म प्रभाग, भारत सरकार, 24-वैबर रोड, बम्बई-400026	"समाचार और सामयिक घटनाओं की फिल्म" (सामान्य प्रदर्शन के लिए)।
2.	भारतीय समाचार चित्र [संख्या 1620 (पूर्वी)]	292—00 (1)	—तथैव—	"समाचार और सामाजिक घटनाओं" की फिल्म; (पूर्वी सफ्ट में प्रदर्शन के लिए)।
3.	राजमार्ग	288—00	—तथैव—	"बाकुमेट्री" फिल्म (सामान्य प्रदर्शन के लिए)।
4.	महाराष्ट्र समाचार संख्या 338.	273—00 (1)	सूचना और जन सम्पर्क महानिदेशालय, महाराष्ट्र सरकार, फिल्म सेंटर, 68-तारदेव रोड, बम्बई-400034.	"समाचार और सामाजिक घटनाओं" की फिल्म; (महाराष्ट्र में प्रदर्शन के लिए)।
5.	गोपाल बाबा	324—00 (1)	—तथैव—	"बाकुमेट्री" फिल्म; (सामान्य प्रदर्शन के लिए)।
6.	सिक्किम—ए मोस्टोलाजिंग मेमोरी	267—31 (1)	श्री रमेश चटर्जी, प्रो० आ० बाक्स-नं० 5589, बम्बई-14	—तथैव—
7.	आपकी राजधानी	464—00	फिल्म प्रभाग, भारत सरकार, 24-वैबर, रोड, बम्बई-400026	"बाकुमेट्री" फिल्म (राजस्थान और हिन्दी भाषा क्षेत्रों में प्रदर्शन के लिए)।
8.	डा० अतुलकुमार, गाँव-फागी	291—00	फिल्म प्रभाग, 24-वैबर रोड बम्बई-400 026 फिल्म प्रभाग 4, टालस्टाय मार्ग, नई दिल्ली।	"बाकुमेट्री" फिल्म (प्रदेश शाहरी और ग्रामीण क्षेत्रों में प्रदर्शन के लिए)।
9.	बेबी, वाट इच विस की फार ?	302—00	सूचना और जन सम्पर्क महानिदेशालय, महाराष्ट्र सरकार, फिल्म सेंटर, 68-तारदेव रोड, बम्बई-34	"बाकुमेट्री" फिल्म; (महाराष्ट्र के सफ्ट में प्रदर्शन के लिए)।
10.	वि बबियास	436—70	एन० एम० बक्सा, मेसर्स जन एंटर-प्राइजेज 47/49, थोल्ड बंगालीपुरा स्ट्रीट, कमरा नं० 7, बम्बई-03	"बाकुमेट्री" फिल्म; (सामान्य प्रदर्शन के लिए)
11.	भारतीय समाचार चि० संख्या 162 (राष्ट्रीय)।	206—00	फिल्म प्रभाग, भारत सरकार 24-वैबर रोड, बम्बई-26	"समाचार और सामयिक घटनाओं" की फिल्म; (सामान्य प्रदर्शन के लिए)।
12.	भारतीय समाचार चित्र संख्या 1621 (वर्षिण)।	298—00 (1)	—तथैव—	"समाचार और सामाजिक घटनाओं" की फिल्म; (वर्षिण सफ्ट में प्रदर्शन के लिए)।
13.	लक्ष्मी उद्योग की बुनियाद	443—17 (2)	फिल्म प्रभाग, भारत सरकार, 24-वैबर रोड, बम्बई-26 श्री एस० पी० सिंघे, बम्बई।	"बाकुमेट्री" फिल्म; (सामान्य प्रदर्शन के लिए)।
14.	150000000000 (पुनसंशोधित)	(1)	फिल्म प्रभाग, भारत सरकार, 24-वैबर रोड, बम्बई-400026।	—तथैव—
15.	दि ब्रेजिंग फॉर्म	264—00	सूचना और जन सम्पर्क महानिदेशालय, महाराष्ट्र सरकार, फिल्म सेंटर, 68-तारदेव रोड, बम्बई-54.	"बाकुमेट्री" फिल्म; (महाराष्ट्र सफ्ट में प्रदर्शन के लिए)।

1	2	3	4	5	6
17. नया कवम	कर वीर नवामिनी महालक्ष्मी	289—00	—तयैव—	—तयैव—	
			श्री एच० आर० सरीन, प्रोपराइटर, सरीन प्रोडक्शन, 4, पोद्दार रोड, शांताकुज, पश्चिम, बम्बई-54	"हानुमेन्दी" फिल्म; (सामान्य प्रदर्शन के लिए)	

[फाइल संख्या 315/1/78-एफ० (पी०)]

अर्जुन देव मलिक, वैस्क अधिकारी।

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 25th November, 1979

S. O. 4016:—In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 3792 dated the 2nd December, 1966, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Schedule annexed hereto in all its/their language versions to be of the description specified against it /each in column 6 of the said schedule.

SCHEDULE

Sl. No.	Title of the Film	Length of the Film (in Meters)	Name of the Applicant	Name of the Producer	Brief Whether a Synopsis Scientific Film or for Educational Purposes or A Film Dealing with News Current events or Documentary Film.
1	2	3	4	5	6
1.	Indian News Review No. 1620 (National)	189.00 (1)	Films Division, Govt. of India, 24-Peddar Road, Bombay-400026.		'News and current Events General release.
2.	Indian News Review No. 1620 (Eastern).	292.00 (1)	-do-		'News and current Events (Release in Eastern circle).
3.	National Highways	238.00 (1)	-do-		'Documentary General release.
4.	Maharashtra New No. 338	273.00 (1)	Dte. General of Inf. & Public Relations, Govt. of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-400034.		'News and Current Events (Release in Maharashtra circuit).
5.	Gopal Dada	324.00 (1)	Dte. General of Inf. & Public Relations, Govt. of Maharashtra Film Centre, 68-Tardeo Road, Bombay-400034.		Documentary General Release.
6.	Sikkim-A Nostalgic Memory	267 31 (1)	Shri Ranen Chatterjee, P. O. Box No. 5589, Bombay-14.		'Documentary (General Reel).
7.	Yours Radharani	468.00	Films Division, Govt. of India, 24-Pedd ar Road, Bombay-400026.		'Documentary (Release in Rajasthan and Hindi speaking areas).
8.	Dr. Atul Kumar, Village Phagi.	291.00	Films Division, 24-Pedd ar Road, Bombay-400026.	Films Din. 4, Tols-toy Marg, New Delhi.	'Documentary (Release in semi-urban and rural area.
9.	Dady, What is this Key For?	302.00	Dte. General of Inf. & Public Relations, Govt. of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-34.		'Documentary (Release in Maharashtra Circuit).
10.	The Badias	436.70	N. M. Baruah, 47/49 Old Bengalipura St., Room No. 7 Bombay-03.	M/s Chan Ent.	Documentary (General release)
11.	Indian News Review No. 1621 (National)	206.00 (1)	Films Division, Govt. of India 24-Pedd ar Road, Bombay-26		'News & Current Events (General Release).

12 Indian News Review No	298 00	-do-		'News & Current Events
1621 (Southern)	(1)			(release in Southern Circuit)
13 Sinews of Small Industry	443 17	-do-	Shri S P Shinde, Bombay.	'Documentary (General release)
	(2)			
14 15000000000 (Re-revised)	(1)	Films Division, Govt of India, 24-Poddar Road, Bombay-400026		'Documentary (General release)
15 The Changing Forms	264 00	Dte General of Inf & Public Relations, Govt of Maharashtra, Film Centre, 68-Tardeo Road Bombay-34		'Documentary' Release in Maharashtra Circuit)
16 Kavir Nivasini Mahalaxmi	289 00	Dte General of Inf & Public Relations, Govt of Maharashtra Film Centre, 68-Tardeo Road, Bombay-34		'Documentary' (Release in Maharashtra circuit)
17 A Step Forward		Shri H. R. Sarin, Prop Sarin Productions, 4, Podar Rd Santacruz, West, Bombay-54		'Documentary' (General release)

[File No 315/1/78-F(P)]

A D MALIK, Desk Officer

नई दिल्ली, 28 नवम्बर 1979

क्रा० प्रा० 4017 —व्यक्ति अधिकार, 1952 की धारा 5(1) धारा चित्र (सेमर) नियमावली, 1958 के नियम 9 के उपनियम (1) के साथ पठित नियम 8 के उपनियम (3) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केंद्रीय सरकार श्रीमता विमल पराजपे का केंद्रीय फिल्म सेंसर बोर्ड के अध्यक्ष सलाहकार पैनल की सदस्यता से त्यागपत्र स्वीकार करता है।

[फाइल नं० 11/7/77-एफ० भी०]

के० एस० वेण्कटरामन, डेस्क अधिकारी

New Delhi, the 28th November, 1979

SO 4017 —In exercise of the powers conferred by Section 5 (1) of the Cinematograph Act, 1952 and Sub-rule (3) of Rule 8 read with Sub-rule (i) of Rule 9 of the Cinematograph (Censorship) Rules, 1958 the Central Government accepts with immediate effect the resignation of Smt Vimal Paranjape from the Membership of the Advisory Panel of the Central Board of Film Censors at Bombay

[F No 11/7/77 FC]

K. S. VENKATARAMAN, Desk Officer

अस भंडालय

प्रादेश

नई दिल्ली, 22 नवम्बर, 1979

क्रा० प्रा० 4018 —केंद्रीय सरकार की राय है कि इसमें उपाखंड अनुसूची में विनिर्दिष्ट विषयों के बारे में पारादीप पत्तन न्यास, जाफ़र पारादीप पत्तन, जिला कटक, उड़ीसा के प्रबन्धतल से सम्बद्ध नियोजका और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है,

और यतः केंद्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एक औद्योगिक

अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम० वी० गंगाराजू होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या पारादीप पत्तन न्यास के प्रबन्धतल की, श्री पी० सी० मलिक, प्रापरेटर, श्रेणी 3 की सेवाओं को 20 सितम्बर, 1976 से समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुसूची का हकदार है?”

[संख्या एल-38012/1/79-बी० 4 (ए)]

नन्द लाल, डेस्क अधिकारी

MINISTRY OF LABOUR**ORDER**

New Delhi, the 22nd November, 1979

SO 4018 —Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Paradip Port Trust, at and post Office Paradip Port, District Cuttack, Orissa and their workmen in respect of the matters specified in the Schedule hereto annexed,

And whereas the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M V Gangaraju shall be the Presiding Officer with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal

SCHEDULE

Whether the action of the management of Paradip Port Trust, in terminating the services of Shri P C Mallick, Operator, Grade III, with effect from the 20th September, 1976, is justified? If not, to what relief is the concerned workman entitled?

[No L-38012/1/79-D. IV(A)]
NAND LAL, Desk Officer

नई दिल्ली, 29 नवम्बर, 1979

क्रा० प्रा० 4019 —केंद्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग

करने हुए, इण्डियन टेलेफोन इण्डस्ट्रीज लिमिटेड, काशीकोड, पालपाट, केरल में केन्द्रीय औद्योगिक सुरक्षा बल के कर्मचारियों को उक्त अधिनियम के प्रवर्तन से एक अगस्त, 1976 से 31 जुलाई, 1979 तक जिसमें यह दिन भी सम्मिलित है, को और अवधि के लिए, छूट देती है।

2. पूर्वोक्त छूट को शर्तें निम्नलिखित हैं, अर्थात् :—

- (1) पूर्वीकृत कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनामों का विवरण दिया जाएगा;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अर्थात् ऐसी प्रयुक्तियाँ प्राप्त करने रखेंगे, जिनको पाने के लिए वे इन अधिनियमों द्वारा दी गई छूट के प्रयुक्त होने का तारीख से पूर्व संस्तुत अधिनियमों के आधार पर हकदार हो जाएँगे;
- (3) छूट प्राप्त अवधि के लिए यदि कोई अधिभार पड़ता हो कि, जा चुके हों तो वे वापिस नहीं किए जाएँगे;
- (4) उक्त कारखाने का निरीक्षक, उक्त अवधि के आरम्भ जिसके दौरान उक्त कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे हमने पहले पञ्चात् "उक्त अवधि" कहा गया है), ऐसी विवरणियाँ ऐसे प्रकाश में और ऐसी विनिर्दिष्टा सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अन्तर्गत उक्त अवधि का आरम्भ होता था;
- (5) निगम द्वारा उक्त अधिनियम को धारा 45 की उपधारा (1) के अन्तर्गत नियुक्त किया गया कोई निरीक्षक, या निगम का इन विनियमों के अधिनियम कोई अन्य पदधारी :—

- (1) धारा 44 की उपधारा (1) के अन्तर्गत, उक्त अवधि की अवधि या गई किना विवरणों की विनिर्दिष्टों को सत्यापित करने के प्रावधानों; या
- (2) यह पालनेविषय करने के प्रावधानों कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाप्रेक्षित रजिस्टर और अधिनियम उक्त अवधि के लिए रखे गए थे या नहीं; या
- (3) यह अधिनियमित करने के प्रावधानों कि कर्मचारी, निरीक्षक द्वारा दिए गए उन फायदों को, जिसके प्रतिफल स्वयं इस अधिनियम के अन्तर्गत छूट दी जा रही है नकार में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
- (4) यह अधिनियमित करने के प्रावधानों कि उन अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रयुक्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

- (क) प्रधान या अध्यक्षित निरीक्षक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है;
- (ख) ऐसे प्रधान या अध्यक्षित निरीक्षक के अधिभागाधीन किसी कारखाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रवर्तन से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संबंध से संबंधित ऐसे लेखा, बहिया और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे जिससे वे आवश्यक समझते हैं, या

(ग) प्रधान या अध्यक्षित निरीक्षक को, उनके अधिकारी या मेवक का, या ऐसे किसी व्यक्ति को जा ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति का जिसके धार में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का भुक्तिपुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखापत्रों या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

व्याख्यात्मक भाषण

इस मामले पर पूर्वापेक्षा प्रभाव से छूट देना आवश्यक हो गई है, क्योंकि छूट देने के लिए कर्मचारी राज्य बीमा निगम से सिकांशित वेर से प्राप्त हुई थी। तथापि, यह प्रमाणित किया जाता है कि पूर्वापेक्षा प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एम-30014/11/79-एन०आर्०]

New Delhi, the 29th November, 1979

S.O. 4019.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the Central Industrial Security Force personnel deployed at the Indian Telephone Industries Limited, Kanjikode, Palghat, Kerala from the operation of the said Act for a period from 1st August, 1976 upto and inclusive of 31st July, 1979.

2. The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
 - (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
 - (3) The contributions for the exempted period, if already paid, shall not be refunded;
 - (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
 - (5) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—
- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the recommendation of the ESI Corporation for grant of exemption was received late. However, it is certified that grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/17/79-HI]

क्र० घा० 4020—केन्द्रीय सरकार, कर्मचारी, राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित द्वारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तथा भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० घा० 2029, दिनांक 29 जून, 1978 के अन्तर्गत, हिन्दुस्तान एयरोनाटिक्स लिमिटेड, कानपुर को उक्त अधिनियम के प्रवर्तन से 1 जुलाई, 1978 से 31 मार्च, 1979 तक, जिसमें यह विन भी सम्मिलित है, को और अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसने प्रस्तावित अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्रश्न में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत वेनी थी;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

- धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; या
- यह अधिनियमित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाप्रपेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गए थे या नहीं; या
- यह अधिनियमित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
- यह अधिनियमित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में उक्त अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

- प्रधान या अध्यक्षित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- ऐसे प्रधान या अध्यक्षित नियोजक के अधिमोहाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संवाय से संबंधित ऐसे लेखा, बहियों और अन्य वास्तविक, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या
- प्रधान या अध्यक्षित नियोजन को, उसके अभिकर्ता या सेवक को, या ऐसे किसी व्यक्ति को जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति को जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य वस्तुओं की नकल तैयार करना या उससे उद्धरण लेना।

व्याख्यात्मक भाषण

इस मामले में पूर्वोक्ता प्रभाव से छूट देना आवश्यक हो गया है, क्योंकि छूट के लिए प्राप्त आवेदन-पत्र की कार्यवाई पर समय लगा। यह भी प्रमाणित किया जाता है कि पूर्वोक्ता प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस-38014/24/78-एच०घा०]

इस राज ठाकड़ा, उप-सचिव

S.O. 4020.—In exercise of the powers conferred by section 87 read with section 91A, of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 2029, dated the 29th June, 1978, the Central Government hereby exempts the Hindustan Aeronautics Limited, Kanpur from the operation of the said Act for a further period with effect from the 1st July, 1978 upto and inclusive of the 31st March, 1979.

2. The above exemption is subject to the following conditions, namely:—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of:—

- verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- ascertaining whether the employees continue to be entitled to benefits provided by the employer in

cash and kind being benefits in consideration of which exemption is being granted under his notification ; or

- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory ;

be empowered to —

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary ; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee ; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. It is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/24/78-HI]

HANS RAJ CHHABRA, Dy. Secy.

New Delhi, the 29th November, 1979

S.O. 4021.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby publishes the following award of the Central Government Industrial Tribunal Madras in the industrial dispute between the employers in relation to the management of M/s. Dalmia Magnesite Corporation, Salem-5 and their workmen, which was received by the Central Government on the 16th November, 1979.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A., B.L.,
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
MADRAS

(Constituted by the Government of India)

Friday the 2nd day of November, 1979

Industrial Dispute No. 10 of 1971

(In the matter of the dispute for adjudication under section 10(2) of the Industrial Disputes Act, 1947 between the workmen and the Management of M/s. Dalmia Magnesite Corporation, Salem).

BETWEEN

The workmen represented by

1. The General Secretary, Salem District Magnesite Labour Union, Suramangalam, Salem-5.
2. The General Secretary, Magnesite Worker's Union Kampapur, Salem.
3. The General Secretary, Dalmia Magnesite Corporation Employees' Union, Salem-5.

AND

M/s. Dalmia Magnesite Corporation, Salem-5.

REFERENCE :

Order No. 12(36)/70-LR.IV, dated 22-1-1971 Ministry of Labour, Employment and Rehabilitation, Government of India.

This dispute, after having been remanded by the High Court, coming on for final hearing on 3rd day of September, 1979, upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru N.G.R. Prasad for Tvl. Row and Reddy, Advocate for Union No. 1 and of Thiru S. Govindaswaminathan for Kind and Pataridge, Advocates for the Management and Union Nos. 2 and 3 being absent and having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is an industrial dispute between the workmen and management of Dalmia Magnesite Corporation, Salem referred to this Tribunal for adjudication under Section 10(2) of the Industrial Dispute Act 1947 by the Government of India in Order No. 12 (36)/70-LR.IV dated 3rd December, 1971 of the Ministry of Labour and Employment, Government of India, New Delhi in respect of the following issue :—

"Whether the employees of Dalmia Magnesite Corporation, Salem are entitled to payment of rest day and if so what should be their Sunday wages".

2. Three Unions espouse the cause of the workmen and had filed three separate claim statement in February, March, and April, 1971. The Management of M/s. Dalmia Magnesite Corporation Salem filed their counter statement on 24-4-1971. The workmen and management placed oral and documentary evidence on all the materials. My learned predecessor Thiru K. Seetharama Rao rendered an award on 30-1-1971, to the effect that the attendance bonus scheme has now prevalent in Burn and Company Limited will be given to the worker in this company from the date when this award is published in the Gazette and that the payment to be made is as per the attendance bonus scheme towards the rest day wages. The Respondent Management challenged the award of this Tribunal by filing writ petition No. 476 of 1972 on the file of the High Court, Madras on 6-1-76. The High Court dismissed the said writ petition confirming the award passed by this Tribunal. Not satisfied with this Order of the High Court, the Management filed writ appeal No. 80 of 1976 on the file of the High Court, Madras. That appeal was decessor Thiru K. Seetharama Rao rendered an award on 6-7-1978. Eventually the Division Bench allowed the appeal and set aside the order passed in writ petition No. 476 of 1972 and quashed the award of this Tribunal dated 30-10-1971 and directed this Tribunal to reconsider the entire matter afresh with reference to the actual dispute referred to it.

3. The only point that has to be considered is whether the employees of Dalmia Magnesite Corporation, Salem are entitled to the payment for the rest day and if so what should be their Sunday wages. It is common ground that the Respondent Management is carrying on the business of mining of Magnesite and manufacture of Dead Burn Magnesite employing about 800 workers directly who are covered by the present reference besides some independent contractors and other staff. The workmen worked for six days in a week and Sunday is a day off weekly rest for them. Although the three unions representing the workmen employed by the Respondent Company had filed separate claim statements, all of them are united in this namely requesting that an award may be passed for mining wages for rest day namely Sunday at a rate of usual current normal rates for a working day. The Defence put forward by the management can be gathered from paragraph 8 of the claim statement filed by the Respondent Management.

4. Their contentions are two-fold. In the first place the daily rate of wages already given to the workmen duly take care of the wages for the weekly day off rest. Secondly, as the provision of the minimum Wages Act have been extended to the Magnesite industry in case the existing rates of wages, were found to fall short of the minimum rates of the wages, the same will be raised and that therefore, there was no justification to press the demand for payment of wages for the weekly day off rest.

5. Ex. C-1 is a notification dated 1st July, 1970 of the Government of India adding the employment of Magnesite Mines to Part I of the Schedule to the minimum wages Act (Centre). Therefore even as per this notification the Minimum Wages Act had been extended to the employment in the Magnesite Mines also with effect from 1-7-1970. That apart exhibit M-4 is the copy of the notification of Central Government regarding fixation of minimum rate of wages to the employment in Magnesite Mines. The explanation attached to this notification states that the minimum rates proposed are all inclusive rates, including basic wages, the cost of living allowances, the cash value of the concessions supplied if any value of essential commodities and also include wages payable for the weekly rest day. Therefore, it is sought to be contended that when minimum wages are to be paid under the Minimum Wages Act, 1948, then as per the explanation the inclusive of wages payable for the weekly rest day and therefore the workmen will not be entitled to anything additionally by way of wages for weekly rest day. But, it is significant to note that even in the counter statement filed by the Management on 24-4-1971 it is not stated that the workmen are paid wages in accordance with Minimum Wages Act of 1948. The Management has also not filed any additional counter after demand by High Court to say that the wages paid to the workmen are in accordance with or above the wages fixed under the Minimum Wages Act, 1948.

6. I shall now examine the first contention of the Management namely that the daily rate of wages duly take care of the wages for the weekly day off the rest. Exhibit M-1 is the award passed by this Tribunal in I.D. 39 of 1966 dated 27-6-1968. The dispute in those I. Ds covered the workmen of the Respondent Management also. Eventually in I.D. 39 of 1966 this Tribunal fixed the rate of wages for the workers of Respondent Management. The Tribunal fixed the monthly wages of the worker on the following lines:

"To arrive at monthly wages, the above daily wages shall be multiplied by 26 the number representing the number of working days in a month. Similarly, the increment per month should be calculated and the two sums totalled to arrive at total monthly wages of the different categories of workmen". He then fixed the dearness allowance payable for each category of employees".

7. On behalf of the management, the learned counsel Thiru Govindaswaminathan pointed out that in the aforesaid award the monthly wages had been determined by multiplying daily wages by 26 and therefore the wages paid for a month must be held to include rest days also and as such the workmen will not be entitled to any separate wages for rest days as claimed by them. It must be remembered that in the award I.D. 39 of 1966 the total wages earned by the worker for each month had been arrived at. In 1961 II L.L.J. page 632 (Between Workmen of Bombay Port Trust and Trustees of the Port of Bombay) the Supreme Court considered the issue about wages for the weekly rest day. In that case also the Management raised an identical contention like this that the workmen were paid monthly wages, wages constructively for the offs also. This view has been repelled by the Supreme Court at page 637 and this is how they had ended this finding "By no stretch of imagination can payment for six days be equated for payment for seven days".

8. On behalf of the workmen reliance is placed on the latest decision of the Supreme Court reported in 1978 I L.L.J. page 29 (Between B. Shah and Labour Court, Coimbatore and others) where the question was raised as to how to compute maternity benefit for a female worker engaged on a daily wage basis: Whether a wageless Sunday should be included or should it be excluded? Their lordships held a "week" has to be taken to signify a cycle of seven days including Sunday. The benefit conferred must be extended to Sundays also. Although that decision might not directly be applied to the facts of the present case, it will throw considerable light as how a week should be considered including a Sunday a rest day.

9. Learned Counsel for management relies on the amended Rule 23 of Minimum Wages Central Rule 1950 which reads as follows:

"Provided that where the minimum daily rate of wages of the employees as notified under the Act has been

worked out by dividing the minimum monthly rate of wages by twenty six, or where the actual daily rest day shall be payable".

(In 1961 II L.L.J. the Supreme Court had stated as follows: "we express no opinion as to what the position of law is after this amendment of rule 23)."

10. In the first place as I have earlier pointed out it is not even the stand of the management that the workers are paid minimum wages or above the minimum wages under the Minimum Wages Act. Secondly, in the earlier Award fixing the wages in I.D. 39 of 1966 the monthly rate of wages had not been first determined and thereafter dividing the same by 26 to fix daily wages. Hence, no reliance whatsoever can be placed on Rule 23 of the Minimum Wages Central Rule 1950. Industrial Law in our country has clearly come to a stage to take the view that where two judicial choices are plausible the construction in conformity with the social, philosophy of Article 44 of our Constitution has to be preferred. In the light of these circumstances I am unable to accept the contention of the Management that the workmen of the Management will not be entitled to payment of wages for weekly day off rest. It should also be remembered that the Management does not dispute that every workmen is entitled to a day off rest after six days of work. The financial burden on the Management consequent on the demands under the reference has also to be considered. The Salem district Magnesite Labour Union in paragraph 9 of the claims statement had mentioned that the Management have the capacity to meet this demand and the monthly commitment in this regard will not be more than Rs. 10,000. In paragraph 9 of the Counter statement, the Respondent Company "denies the allegations that the financial burden on the management, as a result of the demand under reference, is only small and the management capable of meeting the same". But significantly the Management has not challenged the claim of the union that the additional commitment would only be in the region of Rs. 10,000 per month. No doubt the Respondent Management had stated that in the event of payment of wages for the rest separately the liability of the Respondent Company will increase not only the payment of the wage bill but also in other respects as well as Provident Fund, Bonus, Leave pay etc. But even then the Respondent Management did not contend that it can ill afford to bear this additional commitment if ordered. It must be mentioned that the learned Counsel for the Respondent Management did not address any argument on the financial burden that may be cast on the Respondent management in the event of the payment of wages for the rest day being allowed. The Respondent management which is a reputed Company of long record has capacitated to bear this additional burden. Magnesite in Salem district is being mined by three companies namely the Respondent management Dalmia magnesite Corporation and Burn and Company Limited and Salem Magnesite Private Limited. It transpires in evidence that each of these three companies is earning same percentage of profits on about the same investment. Actually the Respondent Corporation is said to be bigger in the matter of investments and profits than Salem Magnesite Private Limited. The attendance bonus scheme was in vogue in Burn and Company. Although Attendance bonus scheme may not be strictly equated to a weekly rest day wage, in effect the aforesaid company was also making payment of wages for the rest day. Therefore, it is apparent that in the same region two of the magnesite companies with no better profits than the Respondent management are literally paying rest day wages to their employees. Those facts can also be taken into consideration on the basis of the region wise industry. That would also justify the ordering of the payment of the workers of the Respondent management off weekly rest day. Looked at from many point of view, a case is made out for payment of wages for rest days to the workers of the Respondent Management. This will be at the rate of their usual daily wage inclusive of Dearness Allowance and other allowances.

12. That leads me to the consideration to the final question as to from which date the benefit should be given effect to. All the three unions have stated that although the workmen had been demanding for the wages for the rest days even from 1966 the workmen will be rest content if an award is passed with effect from 1-1-1970. In paragraph 11 of the counter statement, the management has stated in any event under no circumstances the award can be given effect from 1970 or any other earlier date as claimed. The date of reference

made by the Government of India was on 27th January, 1971. The management has also filed claim statement even on 21st April 1971. Taking all these facts into consideration I feel that justice can be met by giving effect to this award from 1st January, 1971.

12. In the result an award will be passed as follows : The workmen will be paid wages for rest days (once in a week) commencing from 1-1-1971 at the rate of their usual daily wage inclusive of Dearness Allowance and other allowances. In order to maintain industrial peace, I direct all the parties to bear their respective cost as the litigation has so far lasted for about 8 years.

Dated, this 2nd day of November, 1979.

T. SUDARSANAM DANIAL, Presiding Officer,
[No. 12/36/70-LR. IV]

WITNESSES EXAMINED

Before Remand

For Workmen :

MW-1.—Thiru A. Periaithambi.

For Management :

MW-1.—Thiru A. R. Ganesan, Works Manager.

After Remand

NIL

Documents Marked Before Remand

For Workmen : NIL.

For Management :

M-1/27-9-68.—Award in I.D. No. 39 and 77/66 of the Industrial Tribunal, Madras.

M-2/—Gazette dated 12-5-71 publishing Labour Employment in Magnesite Mines—ordered to Part I of schedule to Minimum Wages Act.

M-3/9-7-71.—Statement showing wages paid to workmen by the management and other 3 Magnesite companies.

After Remand

M-4/27-3-78.—Notification of the Central Government regarding fixation of minimum rates of wages to the employees in Magnesite Mines.

Court Exhibits (Before Remand)

C-1/1-7-70.—Notification of the Government adding the employment in Magnesite Mines to Part I of the Schedule to the Minimum Wages Act. (copy)

After Remand

NIL

INDUSTRIAL TRIBUNAL

S.O. 4022.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Madras in the industrial dispute between the employers in relation to the Management of Krishna Mines, Tirunelveli and their workmen, which was received by the Central Government on the 20th November, 1979.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A., B.L.
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
MADRAS

(Constituted by the Government of India)

Monday the 5th day of November, 1979

Industrial Dispute No. 35 of 1977

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of M/s. Krishna Mines, Tirunelveli).

BETWEEN

The workmen represented by :

1. The President, Nellai Suranga Thozhilalar Sangam, 18-E, Parasakthi Buildings, Tirunelveli-627001.
2. The Secretary, Tirunelveli Taluk National General Workers' Union, Madurai Road, Thalaiyuthu, Sankarnagar Post, Tirunelveli District.
3. The Secretary, Nellai Mavatta General Workers' Union, Main Road, Thalaiyuthu, Sankarnagar Post, Tirunelveli District.

AND

The Manager, Krishna Mines, Post Box No. 8, 5, Kailasapuram North Street, Tirunelveli Junction, Tirunelveli (Tamil Nadu).

REFERENCE :

Order No. L-29011/9/77-D. IIIB, dated 22-6-1977, Ministry of Labour, Government of India.

This dispute coming on for final hearing on Tuesday the 23rd day of October, 1979 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvalargal K. S. Narayanan and S. A. Nadarajah, Advocates for Union No. 2 and of Thiruvalargal M. R. Narayanaswami and S. Jayaraman, Advocates for Management and Union Nos. 1 and 3 being absent and having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is an Industrial Dispute between the workmen and the Management to Messrs. Krishna Mines referred to this Tribunal for adjudication under section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government Order No. L-29011/9/77-D.III.B dated the 22nd June, 1977 of the Ministry of Labour, Government of India, New Delhi in respect of the following issue :

Whether the management of Messrs. Krishna Mines, Post Box No. 8, No. 5, Kailasapuram North Street, Tirunelveli are justified :—(a) In dismissing Shri S. Subramaniam, Mazdoor, from service with effect from 26th November, 1976 (b) in deducting wages from their mine workers for short load with effect from November, 1976 in terms of the settlement dated 25-1-76. If not to what relief are the affected workers entitled ?

2. The Respondent is the Management of Messrs. Krishna Mines, Tirunelveli, Tirunelveli District, Tamil Nadu. The Respondent—Management is carrying on the business of excavating lime stones. The workmen employed by the Respondent—Management are represented by three Trade Unions : (1) Nellai Suranga Thozhilalar Sangam, (2) Tirunelveli, Taluk National General Workers Union and (3) Nellai Mavatta General Workers Union. The claim statement in the present dispute had been filed only by Union Nos. 1 and 2. The Respondent—Management has filed counter statement meeting the claims made by the Unions 1 and 2. The issue referred to this Tribunal by the Government of India comprised of two parts. The first part related to a dismissal of a Mazdoor with effect from 26-11-1976. My learned Predecessor passed an award on 14-8-1978 with regard to this issue and it is stated that the Award on this issue has become final. Therefore it remains for this Tribunal to deal with the second part of the reference namely whether the deduction of wages from my workers with effect from November, 1976 in terms of the settlement dated 25-1-1976 is justified or not. Ex. M-14 is the Memorandum of Settlement arrived at under Section 12(3) of the Industrial Disputes Act, 1947 between the Management of Krishna Mines, Ramayanpatti, Tirunelveli District in the workmen represented by Tirunelveli Taluk National General Labour Union entered into on 25-1-1976. Both the Management and the workmen stand by the terms entered into under Ex. M-14. Clauses 1 and 2 of Ex. M-14 are relevant for the purpose of further consideration. They are as follows :

- (1) The workers would excavate the load of 5 metric tonnes per head per shift.

- (2) The workers will receive an additional amount at the rate of Rs. 4 per metric tonnes above the 5 metric tonnes limit and there will be proportionate deduction for short load below that figure. Payment/deduction of this amount shall be calculated once in every calendar month and will be based on collective output per shift.

3. The several circumstances preceded the aforesaid settlement under Ex. M-14 had been set out in paragraph 9, 10, 11, 12 and 13 of the counter statement filed by the Respondent—Management. Most of the facts are not contradicted as per the settlement Ex. M-14. The workers should excavate the load of 5 metric tonnes per head per shift and the workers will receive an additional amount at the rate of Rs. 4/- per metric tonnes limit and there will be proportionate deduction for short load below that figure. Payment/deduction of this amount shall be calculated once in every calendar month and will be based on collective output per shift. Therefore it is clear from the aforesaid terms that the workmen have to necessarily turn out five metric tonnes load per head per shift and if per chance they had not reached that figure they will be paid only proportionately.

4. After conclusion of the settlement for the first three months the workmen were doing their work in the agreed fashion but subsequently they began to lag behind their agreed target. The workmen were not turning out the work as per the agreement in the months of May, June, July and August, 1976. However, at the intervention of the Collector of Tirunelveli District the Respondent-Management had paid the full wages in the month of September and October, 1976, although the workmen did not give the normal out turn. Further more the work turned out by the workers for the months of November and December, 1976 and January, 1977 were below five metric tonnes per head per day and they were paid by the Management only according to the work turned out by each worker. Therefore, from 1-12-1976 upto 31-12-1976 the Management had deducted the wages of workmen on the ground of short fall likewise the Management deducted the wages of workmen from 1-2-1977 upto 31-3-1977. Thus the short point for appreciation would be whether there are short fall in the out turn of work in the light of the settlement Ex. M-14, entered into on 25-1-1976? It appears in evidence that the Management has deducted the wages for short fall only from November, 1976. According to the Management there was short fall even in the months of May, June, July, August, 1976 and the Management had agreed to pay the full wages for September and October, 1976 as a gesture of good will on the intervention of the District Collector, Tirunelveli. However the Management had paid the wages to the workmen strictly in accordance with the terms of the settlement with effect from November, 1976. The question is whether the action of the Management is justified. Although the dispute is sponsored by the three Unions, Union No. 3 did not file any claim statement and other two filed a claim statement (Union No. 1 and 2). Union No. 1 and 3 did not evince any interest in the present dispute. Learned counsel for Union No. 2 alone participated in the enquiry with regard to this issue. He has frankly admitted that the workmen would stand only by the terms of settlement arrived at under Ex. M-14, dated 20-1-1976 and conceded that the Management is entitled to pay wages to the workmen strictly in accordance with the terms of the settlement Ex. M-14. But his only submission is the short load put forward by the Management is not correct. No where in the claims statement filed either by his union or Union No. 1, is there any whisper that the workmen had in fact turned out the work in accordance with the terms of settlement Ex. M-14. Their only grievance is that the weighment of the load made by the Respondent—Management is not correct. Significantly they do not say or contend that they have increased the out turn as agreed to under the terms of the Settlement Ex. M-14. Admittedly the Respondent—Management had no weighbridge of his own and therefore the workmen had agreed before the District Collector, Tirunelveli that the lorry should be weighed in India Cements Limited. It is not the case of workmen that the loaded lorries were not weighed in India Cements weighbridge. Therefore it had to be seen whether the load as calculated by the Management is correct and can be accepted. Ex. M-19 series are log sheets from 1-11-1976 upto 31-12-1976. Ex. M-20 series are weighment advice from 1-11-1976 to 31-12-1976. Ex. M-21 series contain daily performance figures from 1-6-1976

upto 31-12-1976. Ex. M-22 is the notebook showing token number of workers who attended the work from 1-7-1976 to 10-12-1976. Ex. M-23 Daily Report Register showing over all out put by each individual either excess load or short load. Ex. M-24 is the form No. IV-A maintain under Rule 17(1) of the payment of wages of the mines rule showing and work turned out by the workmen for the month of December, 1976. Ex. M-25 is a Register of deduction towards under loading from 1-7-1976 upto 1977. Ex. M-26 series are weighment chits of lime stone for the period from 1-4-1977 to 21-5-1977. Ex. M-26 is a Register showing the particulars of pit loaded to Quarry stack and I.C.I. Total despatch and weighment of lime stones for the period from 1-1-1976 upto 31-12-1976.

5. Learned counsel for the Management has clearly point out that he has produced these documents only as samples to show how the load is weighed at Cement Weighbridge. Little purpose will be served by producing the entire documents. But from the above unimpeachable materials it can be seen, that the weighment of Lime stones supplied by the workmen had the approval of the authority of the Revenue Department as well as the Excise Department of the Central Government, who were respectively collecting royalty and excise duty. All these registers would also indicate that these registers had been checked by the officials of the Revenue and Excise Department. It is true that at some stage the workmen refused to subscribe his signature to the weighment made of the India Cements weighbridge. However, the Respondent-Management had no other option but to continue to do the weighment even in the absence of the workmen. The chief complaint of the Union is that weighment was not done in the presence of the workmen and therefore irrespective of the out turn given by them, the workmen had to be paid in full. I am afraid this submission cannot be accepted. Learned counsel for the Union would also point out that the weighment in the absence of the work would be violation of rules relating to Payment of Wages Mines Rules, 1956. If any proceedings are launched against the Respondent-Management for failure to observe the rules they will have to face the consequences but the hard fact remains that the actual load turned out by the workmen had been recorded at India Cements Weighbridge and accepted by the Management. It is not denied that weighment slips obtained from the India Cements was pasted in the Notice Board of the Respondent-Management every time. Significantly at no time was any objection taken to correctness of the weighment noted in those slips. This claim of the Management in paragraph 16 of their counter statement does not evoke any reply or rejoinder statement from any of the 3 Unions refuting it. The actual weight had been vouch safed both by the Revenue and Central Excise Department. In the face of these overwhelming materials, there is absolutely no ground to reject the case of the Management that with effect from November, 1976 also, the workmen did not turn out in accordance with the terms of settlement under Ex. M-14 and the workmen were accordingly paid for the actual work turned out by them. In that view the action of the Management in having paid wages to the workmen from November, 1976 strictly in accordance with the terms Ex. M-14 cannot be held to be unjustified. The workmen are not entitled to any relief.

6. In the result, an Award is passed dismissing the claim with regard to Issue (1)(b). No cost.
Dated, this 5th day of November, 1979.

T. SUDARSANAM DANIAL, Presiding Officer,
[No. L-29011/9/77-D.III(B)]

WITNESSES EXAMINED

For workmen—None.

For Management—None.

DOCUMENTS MARKED

For workmen—Nil.

For Management :

Ex. M-1/8-9-76—Report of the Quarry Manager against Thiru Subramanian.

- Ex. M-2—Report of Thiru Subbiah against Thiru Subramanian.
- Ex. M-3/13-9-76—Charge sheet issued to Thiru Subramanian.
- Ex. M-4/14-9-76—Explanation of Thiru Subramanian.
- Ex. M-5/26-9-76—Letter from the Management to Thiru Subramanian calling for explanation.
- Ex. M-6/27-9-76—Reply by Thiru Subramanian to Ex. M-5.
- Ex. M-7/11-11-76—Letter authorizing Thiru S. Rajaraman to conduct enquiry into the charge against Thiru S. Subramanian.
- Ex. M-8/12-11-76—Enquiry notice issued to Thiru S. Subramanian.
- Ex. M-9/15-11-76—Letter from Thiru S. Subramanian requesting to permit the President of the Union as observer in the enquiry.
- Ex. M-10/15-11-76—Reply letter from the Enquiry Officer to Ex. M-9.
- Ex. M-11/16-11-76—Enquiry proceedings.
- Ex. M-12—Findings of the Enquiry Officer.
- Ex. M-13/25-11-76—Dismissal order issued to Thiru S. Subramanian.
- Ex. M-14/25-1-76—Memorandum of settlement u/s. 12 (3) of the I. D. Act, 1947 between parties.
- Ex. M-15/25-12-75—Charge sheet issued to Thiru Subramanian for short load.
- Ex. M-16/16-1-76—Dismissal order issued to Thiru Subramanian on a prior charge.
- Ex. M-17—Apology letter given by Thiru Subramanian.
- Ex. M-18—Standing order of the Company.
- Ex. M-19 series—Log sheets from 1-11-1976 to 31-12-1976.
- Ex. M-20 series—Weighment advice from 1-11-1976 to 31-12-1976.
- Ex. M-21 series—File containing daily performance figures from 1-6-1976 to 31-12-1976.
- Ex. M-22—Note Book showing the token numbers of the workers who attended work from 1-7-1976 to 10-12-1976.
- Ex. M-23—Daily report Register showing the over all output and individual over load or short fall.
- Ex. M-24—Form IV A under Rule 17(1) of the Payment of Wages Act (Mines) Rules, showing the individual workload turned out by the workmen for the month of December, 1976.
- Ex. M-25—Register of deductions towards under loading from 1-7-1976 to January, 1977.
- Ex. M-26 series—Weighment chits of limestone for the period from 1-4-1977 to 21-5-1977.
(2 Nos.)
- Ex. M-27—Register showing the particulars of pit loaded to Quarry Stack and I.C.I., Total despatch and weighment of Limestones for the period from 1-1-1976 to 31-12-1976.

Industrial Tribunal

Note : Parties are directed to take return of their document/s within six months from the date of the Award.

S.O. 4023.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the management of Shri Ramcharan Chawarwala, Mine Owner, P.O. Ratiyapura District Sawai Madhopur and their workmen, which was received by the Central Government on the 22nd November, 1979.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 82 of 1978

IN RE :

The President,

Pathar Khan Mazdoor Sangh, Kota. ...Petitioner

Versus

Shri Ramcharan Chawarwala, Mine Owner,
P.O. Ratiyapura, Karaulim
Dist. Sawaimadhopur. ...Respondent

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-29012/12/78-D.III.B dated the 5th October, 1978 made a reference u/s. 10 of the I.D. Act to this Tribunal in the following terms :

"Whether the demand of the workmen employed in Mahu Sand Stone Mine in Tehsil Karauli, District Sawaimadhopur of Shri Ramcharan Chawarwala, Mine Owner Ratiyapura, Karauli for the grant of paid festival/national holidays to them is justified? If so to what relief are the workmen entitled."

2. On receipt of the reference usual notices were sent to the parties to appear whereas Shri Mahabir Parshad Sharma has put in appearance on behalf of the workmen, none has appeared on behalf of the Management inspite of number of opportunities afforded to the Management. In consequence ex-parte proceedings were ordered against the Management and ex-parte evidence was ordered to be recorded. The ex-parte evidence of the workmen consists of the affidavit of Shri Mahabir Parshad Sharma, President of their Sangh and I have gone through the statement of claim filed on behalf of the workmen as also this affidavit and after giving my considered thought to the matter before me I have come to the following findings :

3. From the perusal of statement of claim I find that it is alleged by the workmen that Pathar Khan Mazdoor Sangh, Kota is a registered trade union and notice of demand dated 10th April, 1978 was served by this Sangh upon the Management for grant of national and festival holidays which was not even acknowledged by the Management. Thereupon on 18-5-1978 the matter was referred to the Asstt. Labour Commissioner (Central), Kota but the Management did not appear before him either and in consequence failure of conciliation report was sent on 26-8-1978. As a result of this report this reference has been made and the workmen have claimed 10 national and festival holidays. The affidavit of Shri Mahabir Parshad Sharma has already corroborated what is stated in the statement of claim and the same 10 holidays have been claimed in this affidavit as well. There is no other evidence whatsoever produced by the workmen. The workmen have claimed a right to paid holidays on account of national holidays and festival. I have also heard Shri Mahabir Parshad Sharma on this matter and have come to the conclusion that it would be in the fitness of things that the workmen are awarded three paid national holidays namely 26th January, on account of Republic day, 15th August on account of Independence day and 2nd October on account of Mahatma Gandhi Jayanti. The employers would be liable to grant these three national holidays to the workmen and it is awarded that the workmen of Mahu Sand Stone Mine are entitled to grant of three national holidays above mentioned i.e. 26th January, 15th August and 2nd October in a year. I am not oblivious of the fact that the workmen have not produced any evidence to suggest that these holidays are being allowed in any other concern in the neighbourhood. However I am prompted to grant the benefit of these

three national holidays by the fact that this would enable these workers in Sand Stone Mines to join the main stream of the nation in celebrating these days of national importance. It would have the effect of a national integration as well.

4. Regarding paid festival holidays I do not think any case has been made out by the workmen for grant thereof. In fact apart from the affidavit no other evidence has been led to show by the workmen that there is any agreement between the workmen and the workers union in this behalf. They have also not led any evidence to establish that there is any practice of granting festival holidays in other mines or Industrial establishments of the area except those statutorily covered. The workmen have also failed to show figures of their output and production or to bring out the financial burden or expenditure which would be involved if a practice to grant festival holidays is introduced. While agreeing that there is need for standardisation of service conditions including those relating to grant of festival holidays, I am afraid time is not yet ripe to grant festival holidays except where there are agreements between the parties. The workmen have not established that there are any standing orders granting any festival holidays. The model standing orders under the Industrial Employment (Standing Orders) Act, 1946 apparently are not applicable to these workmen. Keeping in view of these facts I am of the opinion that no case has been made out for grant of any paid festival holidays in these Sand Stone Mines and accordingly I hold that the workmen are not entitled to any paid holidays over and above these three national holidays awarded above.

5. In view of my discussions and findings above, it is awarded that the workers shall be given three paid national holidays for the 26th January, 15th August and 2nd October in a year by the employers. The workmen would also get costs of this petition which is assessed at Rs. 250.

MAHESH CHANDRA, Presiding Officer

Dated : the 23rd October, 1979. [No. L-29012/12/78-D.III(B)]

S.O. 4024.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of various employers and their workmen, which was received by the Central Government on the 22nd November, 1979.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 76 of 1978

IN RE :

The President,

Pathar Khan Mazdoor Sangh,
Kota,

Petitioner

VERSUS

Shri Haacharan Jindal,
Mine Owner, Sand Stone Mine Gurda No. 1,
Bajipur Darwaja Out, Tehsil Karauli,
Sawaimadhopur.

Shri Sureshchand Murdra,
Owner of Talwabri Sand Stone Mines,
Teh : Karauli, Distt. Sawaimadhopur.

Shri Bharosilal Gujar,
Mine Owner C/o. Truck Union, Karauli.

Shri Shivdayal Gupta,
Owner of Gurda and Mahu Sand Stone Mines,
Teh : Karauli,
Distt. Sawaimadhopur.

.. Respondents

AWARD

The Central Govt. as appropriate Govt. referred an Industrial Dispute vide its order No. L-29011/23/78-D.III.B dated the 19th August, 1978 to this Tribunal in the following terms :

"Whether the demand of the workmen employed in Gurda No. 1 Sand Stone Mines of Shri Haricharan Jindal, Talwabri Sand Stone Mines of Shri Suresh Chand Kundra, Dhanki No. 13 Sand Stone Mines of Shri Bharosilal Gujar and Gurda and Mahi Sand Stone Mines of Shri Shivdayal Gupta, for grant of paid-festival and national holidays to them is justified? If not to what relief are the workmen entitled?"

2. On receipt of the reference usual notices were sent to the parties but none of the Managements have appeared before this Tribunal while Shri Mahabir Parshad Sharma has appeared for the workmen and filed a statement of claim. When the efforts of this Tribunal to secure of the presence of the four Managements referred in the order of reference had failed ex-parte proceedings were ordered against all these managements and ex-parte evidence was ordered to be recorded. The ex-parte evidence consists of statement of Shri Mahabir Parshad Sharma an affidavit. I have gone through the statement of claim as also the affidavits filed in respect of each of the Managements and have heard Shri Mahabir Parshad Sharma. After giving my considered thought to the matter before me I have come to the following findings :

3. From the perusal of the various statements of claim filed against the Managements by the workmen I find that the contention of the workmen is that they had raised the demands for grant of 10 festival holidays to these workmen which demand was not even acknowledged much less granted. In consequence the workmen approached the Asstt. Labour Commissioner (Central), Kota but the various managements did not appear before the ALC(C) either and therefore the ALC(C) submitted failure of conciliation reports. It is on the face of this failure of conciliation reports that this reference has been made. The same thing is stated on affidavit by Shri Mahabir Parshad Sharma and further Shri Mahabir Parshad Sharma has claimed that 10 festival holidays should be granted to the workmen working in these various mines. There is no other evidence what-so-ever produced by the workmen. The workmen have claimed a right to paid holidays on account of national holidays and festival. I have also heard Shri Mahabir Parshad Sharma on this matter and have come to the conclusion that it would be in the fitness of things that the workmen are awarded three paid national holidays namely 26th January, on account of Republic day, 15th August on account of Independence day and 2nd October on account of Mahatma Gandhi Jayanti. The employers would be liable to grant these three national holidays to the workmen and it is awarded that the workmen of these Sand Stone Mines are entitled to grant these three national holidays above mentioned i.e. 26th January, 15th August and 2nd October in a year. I am not oblivious of the fact that the workmen have not produced any evidence to suggest that these holidays are being allowed in any other concern in the neighbourhood. However I am prompted to grant the benefit to these three national holidays by the fact that this would enable these workers in Sand Stone Mines to join the main stream of the nation in celebrating these days of national importance. It would have the effect of a national integration as well.

4. Regarding paid festival holidays I do not think any case has been made out by the workmen for grant thereof. In fact apart from the affidavit no other evidence has been led to show by the workmen that there is any agreement between the workmen and the Management in this behalf. They have also not led any evidence to establish that there is any practice of granting festival holidays in other mines or Industrial establishments of the area except those statutorily covered. The workmen have also failed to show figures of their output and production or to bring out the financial burden or expenditure which would be involved if a practice to grant festival holidays is introduced. While agreeing that there is need for standardisation of service conditions including those relating to grant of festival holidays, I am afraid time is not yet ripe to grant festival holidays except where there are agreements between the parties. The workmen have

not established that there are any standing orders granting any festival holidays. The model standing orders under the Industrial Employment (Standing Orders) Act, 1946 apparently are not applicable to these workmen. Keeping in view of these facts I am of the opinion that no case has been made out for grant of any paid festival holidays in these Sand Stone Mines and accordingly I hold that the workmen are not entitled to any paid holidays over and above these three national holidays awarded above.

5. In view of my discussions and findings above, it is awarded that the workers shall be given three paid national holidays for the 26th January, 15th August and 2nd October in a year by the employers. The workmen would also get costs of this petition which is assessed at Rs. 250.
Further Awarded :

That requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

MAHESH CHANDRA, Presiding Officer

[No. L-29011/23/78-D-III(B)]

Dated : the 23rd October, 1979

S.O. 4025.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the Industrial Dispute between the employers in relation to the management of Shri Ramswaroopji Malviya, Mine Owner, P.O. Patpada and their workmen, which was received by the Central Government on the 22nd November, 1979.

BEFORE SHRI MAHESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 45 of 1978

IN RE :

The President,
Pathar Khan Mazdoor Sangh,
E-3/97, Near New Railway Colony,
Kota-324002

.. Petitioner

VERSUS

Shri Ramswaroopji Malviya, Mine Owner,
Patpada Stone Mines, Village & P.O. Patpada,
Teh. & Distt. Bundi, Rajasthan

.. Respondent.

AWARD

The Central Government as appropriate Government referred an Industrial Dispute vide its order No. L-29011/9/78-D. III. B dated the 20th April, 1978 to this Industrial Tribunal in the following terms :

‘Whether the workmen employed in the Patpada Sand Stone Mines of Shri Ramswaroopji Malviya, Mine Owner, Post & Village Patpada, Distt. Bundi are entitled for any paid national and festival holidays?’

2. On receipt of the reference usual notices were sent to the parties while Shri Mahabir Parshad Sharma appeared for the workmen, none appeared for the Management in spite of number of attempts to serve the Management. In consequence ex-parte proceedings were ordered against the Management and ex-parte evidence of the workmen was recorded. The ex-parte evidence of the workmen consists of an affidavit of the President of the Sangh. I have gone through the affidavit and the statement of claim and have also heard Shri Mahabir Parshad Sharma and after giving my considered thought to the matter before me I have come to the following findings :

3. From the perusal of the statement of claim I find that it has been stated therein by the workmen that Pathar Khan

Mazdoor Sangh is a registered trade union and the respondent Mine Owner was served with a notice dated the 26th November, 1973 to grant 10 national holidays but the said notice was not even acknowledged by the Management. Thereupon a claim was referred to Asstt. Labour Commissioner (Central) on 4-1-1978 who summoned the Management but the Management did not appear before the Asstt. Labour Commissioner (Central) either and in consequence this reference was made for adjudication.

4. In the affidavit filed by the workmen also it is mentioned that Shri Mahabir Parshad Sharma is the President of the Sangh and he has referred to the statement of claim and stated that a notice raising the claim and stated that a notice raising a claim was sent on 26-11-77 which was not even acknowledged whereupon the matter was referred to ALC(C) on 4-1-1978 and a failure of conciliation report was submitted by him on 27-2-78 to this Tribunal. He has claimed the 10 holidays as referred in the statement of claim. The affidavit of Shri Mahabir Parshad Sharma has only corroborated what is stated in the statement of claim and the same 10 holidays have been claimed in this affidavit as well. There is no other evidence what-so-ever produced by the workmen. The workmen have claimed a right to paid holidays on account of national holidays and festival. I have also heard Shri Mahabir Parshad Sharma on this matter and have come to the conclusion that it would be in the fitness of things that the workmen are awarded three paid national holidays namely 26th January, on account of Republic day, 15th August on account of Independence Day and 2nd October on account of Mahatma Gandhi Jayanti. The employers would be liable to grant these three national holidays to the workmen and it is awarded that the workmen of Patpada Stone Mines are entitled to grant of three national holidays above mentioned i.e. 26th January, 15th August and 2nd October in a year. I am not oblivious of the fact that the workmen have not produced any evidence to suggest that these holidays are being allowed in any other concern in the neighbourhood. However I am prompted to grant the benefit of these three national holidays by the fact that this would enable these workers in Sand Stone Mines to join the main stream of the nation in celebrating these days of national importance. It would have the effect of a national integration as well.

4. Regarding paid festival holidays I do not think any case has been made out by the workmen for grant thereof. In fact apart from the affidavit no other evidence has been led to show by the workmen that there is any agreement between the workmen and the Management in this behalf. They have also not led any evidence to establish that there is any practice of granting festival holidays in other mines or Industrial establishments of the area except those statutorily covered. The workmen have also failed to show figures of their output and production or to bring out the financial burden or expenditure which would be involved if a practice to grant festival holidays is introduced. While agreeing that there is need for standardisation of service conditions including those relating to grant of festival holidays, I am afraid time is not yet ripe to grant festival holidays except there are agreements between the parties. The workmen have not established that there are any standing orders under the Industrial Employment (Standing Orders) Act, 1946 apparently are not applicable to these workmen. Keeping in view of these facts I am of the opinion that no case has been made for grant of any paid festival holidays in these Sand Stone Mines and accordingly I hold that the workmen are not entitled to any paid holidays over and above these three national holidays awarded above.

5. In view of my discussions and findings above, it is awarded that the workers shall be given three paid national holidays for the 26th January, 15th August and 2nd October in a year by the employers. The workmen would also get costs of this petition which is assessed at Rs. 250/-.

MAHESH CHANDRA, Presiding Officer

[No. L-29011/9/78-D. III(B)]

A. K. ROY, Under Secy.

Dated the 23rd October, 1979

नई दिल्ली, 1 दिसम्बर, 1979

क्रा० 4026.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एन० द्वारा श्री एस० शंकरन, उप महानिदेशक खान सुरक्षा (पूर्वी क्षेत्र) सीतारामपुर, को श्री बी० एम० भट्ट, जो प्रतिनियुक्ति पर विदेश चले गए हैं, के स्थान पर, ऐसे सभी क्षेत्रों के लिए जिस पर उक्त अधिनियम लागू होता है, पर्वी सितम्बर, 1979 से श्री भट्ट के कार्यभार ग्रहण करते तक मुख्य खान निरीक्षक के रूप में नियुक्त करती है।

[एफ० सं० ए-11019/1/79-एम० 1]

New Delhi, the 1st December, 1979

S.O. 4026.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Mines Act, 1952 (35 of 1952) the Central Government hereby appoints Shri S. Sankaran, Deputy Director General of Mines Safety (Eastern Zone), Sitarampur, to be the Chief Inspector of Mines for all the territories to which the said Act extends, on and from the 1st December, 1979, vice Shri B. M. Bhat, who has proceeded on deputation abroad, until Shri Bhat resumes duty.

[F. No. A-11019/1/79-MI]

नई दिल्ली, 5 दिसम्बर, 1979

क्रा० 4027.—राष्ट्रपति, मूल नियमों के नियम 45 के उपबन्धों के अनुसरण में, खान सुरक्षा महानिदेशालय (निवासस्थान आबंटन) नियम, 1968 में संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1 (1) इन नियमों का नाम खान सुरक्षा महानिदेशालय (निवास-स्थान आबंटन) (संशोधन) नियम, 1979 है।

(2) वे राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2 खान सुरक्षा महानिदेशालय (निवास-स्थान आबंटन) नियम, 1968 में, नियम 2 के खण्ड (क) के स्थान पर निम्नलिखित खण्ड रखा जाएगा, अर्थात् :—

“(क) “पालक अधिकारी” से, खान सुरक्षा महानिदेशक और वेतन तथा सेवा अधिकारी, खान सुरक्षा महानिदेशालय के, जिनका कर्मचारीवृन्द इन नियमों के अधीन वास्तव-सुविधा के लिए सक्षम प्राधिकारी द्वारा पालक घोषित किया गया है, अधीन कोई अधिकारी प्रविष्ट है।”

[फा० सं० डी-11014/5/77-एम० 1]

मीना गुप्ता, प्रवर सचिव

New Delhi, the 5th December, 1979

S.O. 4027.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President is pleased to make the following rules to amend the Directorate-General of Mines Safety (Allotment of Residences) Rules, 1968, namely :—

1. (1) These rules may be called the Directorate-General of Mines Safety (Allotment of Residences) (Amendment) Rules, 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Directorate-General of Mines Safety (Allotment of Residences) Rules, 1968, for clause (e) of rule 2, the following clause shall be substituted, namely :—

“(e) “eligible officer” means an officer under the Directorate-General of Mines Safety and the Pay and Accounts officer, Directorate-General of Mines Safety, the staff of which has been declared by the competent authority as eligible for accommodation under these rules.”

[F. No. D-11014/5/77-M.I]

MEENA GUPTA, Under Secy.

New Delhi, the 3rd December, 1979

S.O. 4028.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Life Insurance Corporation of India, New Delhi and their workmen over dismissal of Shri S. K. Verma, Development Officer in Jullundur Branch which was received by the Central Government on the 23-11-1979.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 28 of 1978

In re :

Shri S. K. Verma,

55, Lajpat Nagar, Jullundur.

Petitioner

Versus

The Zonal Manager,
Life Insurance Corporation of India,
New Delhi.

Respondent

AWARD

The Central Government as appropriate Government vide its order No. L-17012/9/71-LR.I/D.I.A dated the 10th March, 1978 made a reference u/s 10 of the I.D. Act in the following terms to this Tribunal :

“Whether the action of the management of the Life Insurance Corporation of India, New Delhi in dismissing Shri S. K. Verma, Development Officer in Jullundur Branch of the Corporation w.e.f. 8-2-69 is justified? If not, to what relief is the workman entitled?”

2. On receipt of the reference usual notices were sent to the parties and in consequence a statement of claim was filed. A written statement thereafter was filed and finally a replication was filed by the workman. In so far as a preliminary objection with regard to maintainability of this reference was raised following preliminary issue was framed vide my order dated the 3rd September, 1978 :

1. Whether the present reference is not competent on the ground that Shri S. K. Verma is not a workman?

3. The parties had filed certain documents which were got admitted and in consequence only arguments were addressed on this issue. I have heard the arguments at length of workman and the counsel for the Corporation and after giving my considered thought to the matter before me I have come to the conclusion that certainly Shri S. K. Verma was not a workman at the time this reference was made and as such this reference is not competent.

4. From the perusal of order of reference we would find that Shri S. K. Verma has been described as a Development Officer in the Jullundur Branch of the Life Insurance Corporation and it is the termination of his services, which has been assailed. The reference is not one which has been espoused by any union either. Presumably this reference has been made u/s 10 of the I.D. Act read with Section 2-A thereof, on the presumption that this reference relates to the dismissal of a workman. In this behalf it is not denied by the workman that he was appointed as Development Officer on the day of termination of his services i.e. 8-2-69. That being so no further evidence was needed to establish this point. This having been admitted that the workman was working as Development Officer we have to refer to the copy of Staff Regulations, 1960 of the Life Insurance Corporation of India. From the perusal of clause 5 of the said regulations as incorporated in Chapter 2 thereof I find that the staff of the Corporation has been classified into four categories namely officers—class I, Field Officers Class II, The supervisory and clerical staff—class III and the subordinate staff class IV. Thus from this categorisation or classification the Field Officers are distinct category different from supervisory and clerical staff and as such by no stretch of imagination it can be said that Shri S. K. Verma was employed either in clerical capacity or in a supervisory capacity. Rather the only irresistible conclusion in the circumstances of the case is that Shri S. K. Verma was an Officer and was designated as a Field Officer

and belonged to class II of the service of the Corporation. That being so it would be immaterial as to what was his salary at the time when this reference was made. He was not working in a supervisory capacity and for that reason salary becomes immaterial. He belonged to the Administrative Officer's cadre and consequently he cannot be deemed to be a workman under any circumstances. It may be mentioned here that copy of the Staff Regulations has been admitted to be correct by the workman in this court. In this behalf reference may also be made to his appointment letter dated 23-2-62 which is on record and has been admitted to be correct by Shri S. K. Verma. This letter refers to the duties and obligations of Shri S. K. Verma in para 6 thereof and it is mentioned therein that the duties of Shri Verma were mainly to organise and develop the business of the Corporation in area allotted to him and for that purpose to recruit active and reliable agents drawn from different communities and walks of life on such terms as may be stipulated by the Corporation from time to time and to train them both for conveying new business and for rendering such post-sale services as the policy holders may be in need of. In the face of these duties of Shri S. K. Verma also it cannot be said that Shri Verma was of appointing agents for furthering the business of the Corporation. In view of all these facts it cannot be said that Shri S. K. Verma was a workman either at the time when he was appointed or at the time when his services were terminated. His case has not been espoused by any union either and in view thereof, I hold that certainly the present reference is not competent and accordingly it is awarded that the present reference is not competent on the ground that Shri S. K. Verma is not a workman. However parties are left to bear their own costs.

MAHESH CHANDRA, Presiding Officer,

Dated: the 23rd October, 1979.

[No. L-17012/9/71-LR. I/D.II(A)]

S.O. 4029.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of State Bank of India, Jullundur City Branch and their workmen over termination of Shri Sucha Ram with effect from 24th July, 1974 which was received by the Central Government on 22-11-1979.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 124 of 1977

IN RE :

The President,
Delhi Circle State Bank Staff Association.
Ranbir Hall, Civil Lines,
Jullundur City. . . Petitioner.

Versus

The Regional Manager,
State Bank of India (Region IV).
Parliament Street,
New Delhi.

PRESENT :

Shri J. G. Verma—for the workman.
Shri V. K. Gupta—for the Management.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-12012/89/75/DII/A dated the 6th September, 1975 made a reference to Central Industrial Tribunal, Chandigarh in the following terms :

"Whether the action of the management of the State Bank of India, Jullundur City Branch, in employing Shri Sucha Ram as daily rated worker at Rs. 5

per day with effect from the 19th December, 1972 and in terminating the services w.e.f. the 24th July, 1974 is justified? If not, to what relief is the said workman entitled?"

2 After the reference was received usual notices were issued to the respective parties and when issues were yet to be framed, this reference was transferred to Industrial Tribunal, Delhi and vide order No. L-12025(21)/76-D.II(A)/D.IV(B) dated the 13th May, 1977 the appropriate govt. transferred this reference to this Tribunal and after so many adjournments were given the parties appeared before me on 6th October, 1979 and stated on oath as under :—

"Parties have settled vide Ex. S/1. The settlement be recorded and an award be passed in terms of S/1. Parties be left to bear costs."

3. I have gone through the settlement and have perused its terms and from the perusal thereof I find that the settlement is for the benefit of the workman and accordingly it was ordered to be recorded and an award is hereby made in terms of the settlement Ex. S/1 which shall form part of this award. Parties would bear their own costs.

Further awarded :

Requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer.

Dated the 31st October, 1979

[F. No. L-12012/89/75-D.II(A)]

G. S. SUBRAMANIAN, Under Secy.

New Delhi, the 5th December, 1979

S.O. 4030.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of State Bank of Travancore, Trivandrum and their workmen over discharging Shri P. G. Antony, Head Cashier 'D' with effect from 5.4.77, which was received by the Central Government on the 19-11-79.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A.,B.L.,
INDUSTRIAL TRIBUNAL, MADRAS

Industrial Dispute No. 1 of 1979

In the matter of the dispute for adjudication under section 10 (1) (d) of the Industrial Dispute Act, 1947 between workman and the Management of State Bank of Travancore, Trivandrum.

BETWEEN

Thiru P. G. Antony, C/o. Thiru P. T. Mathew, Pozhut-tumootil House, Lebbai Kandon P. O., Kumaly, District Idduki (Kerala).

AND

The Managing Director,
State Bank of Travancore,
Head Office, Trivandrum (Kerala).

REFERENCE :

Order F. No. L-12012/24/78-DII A dated 11-1-1979
Ministry of Labour, Government of India.

This dispute coming on for final hearing on Friday the 28th day of September, 1979 upon perusing the reference claims and counter statements and all other material papers on record and upon hearing the arguments of Thiru R. Lekshmana Ayyar, Advocate for the workman and of Thiru S. Justus Sam for Tvl. Devadason and Sagar and S. Justus Sam. Advocates for the Management and having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is an Industrial dispute between the workman and the Management of State Bank of Travancore, Trivandrum, Kerala State, referred to this Tribunal for adjudication under

Section 10 (1) (d) of the Industrial Disputes Act, 1947 by the Government of India (Order No. F. No. L-12012/24/78-D.II A) dated 11th January, 1979 of the Ministry of Labour Government of India, New Delhi in respect of the following issue :

'Whether the action of the management of the State Bank of Travancore, Trivandrum in discharging Shri P. G. Antony, Head Cashier 'D' with effect from 5-4-77 is justified? If not, to what relief is the workman entitled?'

2. The Respondent is the management of the State Bank of Travancore, Trivandrum, Kerala State. The claimant namely Thiru P. G. Antony was employed by the Respondent Management as Head Cashier. On 18-11-1975, the Respondent management issued the memo to the petitioner workman Ex. M-14 a copy of the memo dated 18-11-75. Ex. M-15 is the copy of the explanation submitted by the petitioner on 12-12-1975. The management was not satisfied with the explanation and therefore issued charge sheet to the petitioner on 10-5-1976 copy of which is marked to Ex. M-16. Ex. M-18 is the reply given by the petitioner on 18-5-76 to the charge sheet of the management dated 10-5-76 whereupon the Respondent management decided to hold a domestic enquiry against the petitioner for the charge levelled against him Ex. M-20 dated 26-5-76 is the notice of enquiry issued to the petitioner. A senior A Grade Officer of the Respondent Bank was appointed as Enquiry Officer. The aforesaid enquiry officer conducted the enquiry on 14th, 20th and 30th July, 1976. Five witnesses were examined on behalf of the management and these were cross examined by the petitioner and petitioner also examined five witnesses on his behalf. Ex. M-21 dated 9-8-76 is the written brief on behalf of the management before the enquiry officer. Ex. M-22 (Ex. M-23 is only a copy of Ex. M-22 handed over to the Respondent management) is the written argument filed on behalf of the charge sheeted workman. Ex. M-24 are the findings of the enquiry officer dated 28-8-76. The enquiry officer on the basis of the evidence recorded by him and on the document produced before him gave a finding that of the five charges levelled against the petitioner, the first three charges had been proved and the last two charges had not been proved. The Respondent Management accented the findings of the enquiry officer and proposed to discharge petitioner from the Bank Service and therefore, issued notice on 20th January, 1977, copy of which is marked to Ex. M-26 calling on the petitioner for for submitting his explanation with regard to the proposed punishment to be inflicted on him Ex. M-28 is a detailed reply sent by the petitioner on 4-2-77. On 29-3-77, the management of the Respondent Bank discharged the petitioner from the Bank service on payment of the pay and allowances for a month as contemplated in Bi-partite settlement Ex. M-36 clause 19. 12 C. Thereupon petitioner filed an appeal to the appellate authority against the findings of the enquiry officer and the penalty by the management. Ex. M-31 is the Memorandum appeal filed by the petitioner. The Managing Director of the Respondent Bank functioning as appellate authority held no reason to alter the decision taken by the disciplinary authority and dismissed the appeal. Ex. M-32 is the order of the appellate authority dated 5-7-77 upon which the petitioner has raised the present dispute.

3. In the first place it has to be considered whether the domestic enquiry held is fair and proper. Even a perusal of the claim statement filed by the petitioner does not suggest that the domestic enquiry held was neither fair nor proper. Even under Ex. M-28 and Ex. M-31, the petitioner has in detail challenged the domestic enquiry on several grounds but there is no whisper that he was not afforded any reasonable opportunity to participate in the domestic enquiry conducted by the management. Five charges were levelled against the petitioner and they were clearly mentioned in the charge memo issued to the petitioner. Petitioner was given ample opportunity to offer his explanation. Merely because the management did not accept his explanation, the fact cannot be denied that a reasonable opportunity had been granted to the petitioner to meet his charges and he had in fact denied all of them. The management had examined three witnesses and they were cross examined by the petitioner. The petitioner had also examined five witnesses on his behalf and both the management and the petitioner had submitted written arguments vide Ex. M-21 and Ex. M-22. The enquiry was held on 14th, 20th and 30th of July 1976 after the issue of notice of enquiry Ex. M-20 dated 26-5-76. In fact learned counsel for the workman of Thiru R. Lekshmana Ayyar addressed no argument on the fairness of the domestic enquiry held and did not contend that principles of natural justice had not been followed in the

conduct of the enquiry. Under these circumstances, it is not difficult for me to find that the domestic enquiry held was fair and proper.

4. This leads me to the consideration whether the domestic enquiry suffers from any infirmities. It is stated that enquiry officer himself was prejudiced against the workman and therefore, the enquiry held must be biased. The enquiry officer was one Mr. Peter a Senior A Grade Officer of the Respondent Bank. Merely because the enquiry officer during the course of enquiry regulated the proceedings it may not be concluded that the enquiry was biased. Assuming that the enquiry officer had admitted certain inadmissible evidence and rejected certain admissible evidence, it does not necessarily show bias on his side. It should also be remembered that the petitioner had filed a regular appeal against the findings of the enquiry officer to the appellate authority vide Ex. M-31. That appeal was dismissed by the appellate authority on 5-7-77 (vide Ex. M-32). It is significant to point out that even in the lengthy ground of appeal Ex. M-31, there is no whisper that the enquiry officer was prejudiced against the petitioner to any extent. The domestic enquiry was held in terms of Chapter 19 of 2nd Bi-partite settlement Ex. M-36 which lays down the procedure for taking the action. In the light of Ex. M-36, it does not point out that the domestic enquiry held suffers from any infirmities as such. At one stage before the domestic enquiry officer it was stoutly urged by the workman that the prosecuting authority is the villain of the piece and therefore, in any event he must be permitted to examine as the witness on behalf of the workman but that request was rejected by the enquiry officer. However, subsequently after the evidence of the prosecution and the workman's evidence were recorded the domestic enquiry officer had revised his earlier decision to put the prosecuting authority to be cross examined by the workman and the workman had cross examined the prosecuting authority also. Therefore, after permitting the prosecuting authority to be cross examined by the workman it cannot be said that any part of the proceeding before the enquiry officer is vitiated or opposed to the principles of natural justice. In the circumstances, the domestic enquiry held does not suffer from any infirmities as such.

5. That leads me to be next consideration as to whether that the findings of the enquiry officer are perverse or based on no evidence whatsoever. Learned Counsel for the workman Thiru Lekshmana Ayyar repeatedly pointed out that the enquiry officer has been swayed by inadmissible materials and failed to consider the broad aspects of the charges as pointed out earlier. Five charges were levelled against the petitioner as can be gathered from the memo issued to the petitioner by the management on 18-11-76 Ex. M-14. Ex. M-24 is the findings of the enquiry officer. The clear finding of the officer is to the effect that charges four and five had not been substantiated against the petitioner. It may also be remembered that while accepting the findings of the enquiry officer, the management did not have any reservation about the two charges held by the enquiry officer as having not been proved. Therefore, it is unnecessary for me to refer to the charges four and five. However, it has to be seen whether with regard to the remaining first three charges, any acceptable evidence had been placed by the management to substantiate those charges.

6. The dates relating to those three charges are quite relevant. First charge is that the petitioner has misappropriated Rs. 100 on 6-11-71. The second charge is that the petitioner has appropriated for himself Rs. 150 on 22-4-1974 and third charge is that on 14th August 1974 the petitioner made a short payment of Rs. 50. Significantly the memo calling upon the petitioner to explain these three and other two charges had been issued only in November 1975 vide Ex. M-14. It is undisputed that the petitioner had been promoted in 1975 (Mohanbhai Dunganbhai Parmar Vs. Y. B. Zala and another M.P. Thakkar, J) FJR in (1979) 55 FJR it is held that a delay of about 1 year must be considered fatal from the point of view of affording reasonable opportunity to the employee concerned to show cause against the charge levelled against him. It was pointed out by Gujarat High Court in the above case that an employer must be given an opportunity to effectively to explain the circumstances in the lapse that in order to satisfy the Tribunal authority that the lapse caused neither intentional nor deliberate nor on account of indifference or negligence but was occasioned by circumstances beyond his control. The aforesaid judgement was rendered on 15th September, 1978. The Respondent filed a counter statement before this tribunal on 20th March 1979 possibly getting a scent of the kind of

the decision which is only in accordance with the common sense in paragraph 4 of the claim statement, the management had stated that the investigation took considerable time because the investigating officer had to go through the entire records, procedure followed and other evidence available. I am afraid this explanation has no legs to stand. No such report of the investigating officer had been placed by the management which led to the decision to issue a memo to the petitioner on 18-11-75 under Ex. M-14. Therefore, the inordinate lapse between the date of the alleged misconduct and the actual date of calling for explanation by the management is perfectly manifest. In the citation referred to above the High Court has held that a delay of about one and a half years must be considered fatal from the point of view of affording reasonable opportunities to the employee concerned to show cause against the charge levelled against him. In the instant case with regard to charge No. 1 show cause notice was issued on 18-11-1975 (6-11-71) vide complaint of Mrs. George that is more than 4 years after alleged misconduct, while with regard to the other two charges it was more than one year after the alleged occurrence. The High Court in the decision referred to above has observed as follows.

"A delay of about 1½ years must be considered fatal from the point of view of affording reasonable opportunity to the employee concerned to show cause against the charge levelled against him. It would be asking for the impossible to expect the employee concerned to explain satisfactorily the reason which occasioned the delay in reporting for duty. If the charge or accusation had been levelled very soon after the lapse, the employee concerned could have rendered an appropriate explanation regardless of whether it was or was not considered satisfactory by the competent authority. Not having done so for more than 1½ years after the occurrence, the employee cannot be penalised for not being able to show cause to the satisfaction of the disciplinary authority. Under the circumstances, the very delay in initiating proceedings must be held to constitute a denial of reasonable opportunity to defend himself for one cannot reasonably expect an employee to have a computer-like memory or to maintain a day-to-day diary in which very small matter is meticulously recorded in anticipation of future eventualities of which he cannot have a prevision. Nor can he be expected to adduce evidence to establish his innocence for after inordinate delay he would not recall the identity of the witnesses who could support him. Delay by itself, therefore, would constitute denial of reasonable opportunity to show cause. This would amount to violation of principles of natural justice and the impugned order of removal from service must be struck down".

7. With regard to the first charge namely misappropriation of Rs. 100 on 7-11-71 Mrs. George actually remitted the amount has been examined. It is true that no complaint in writing has been received from her but the Voucher Ext. No-P7 marked before the enquiry officer shows that she herself wrote the figure Rs. 2,450 in her own hand and signed it showing that it is the amount that was tendered to her. Even after she went home no written complaint has been made by her husband. As Mrs. George herself has been examined an earlier statement in writing Ex. P5 before the enquiry officer has to be ignored. On the contrary in her cross examination it is pointed out that there is vital contradiction between her deposition and what is stated in Ext. P 5. She has categorically stated that currencies were counted by the workman when she tendered it to him. The Manager has also checked the notes. There is one strong circumstance in respect of this charge. If in fact the petitioner had misappropriated Rs. 100 it is impossible to comprehend now he could have allowed the 100 rupee note to lie in the office, to be checked by the Manager at the end of the day in the office. On the face of these facts no reasonable person would come to the conclusion that the petitioner had misappropriated Rs. 100 on 6-11-71. I had also explained the laches of the complainant of Mrs. George in not giving written complaint and the long delay in taking action against the petitioner. In the light of the materials placed, it is impossible to find that the petitioner had misappropriated Rs. 100 on 6-11-71.

8. The next charge said to be established against the petitioner is that he appropriated for himself Rs. 150 on 22-4-74. The post office made a cash remittance of Rs. 5,510. The enquiry officer appears to have mainly placed reliance on the chalan and the authorisation. There were several altera-

tions in the denominations of currency but unfortunately the corrections were not placed before the enquiry officer and therefore the enquiry officer could not have placed his reliance on those documents which were not placed before him. The Treasurer of the Post Office, Vandiperiyar branch has not been examined by the domestic enquiry officer. Merely because he had stated that he had given the truth in his statement that statement cannot be accepted as gospel truth. Learned counsel for the worker has rightly pointed out that the statement attributed to the treasurer of the Post Office, Vandiperiyar branch has to be eschewed out of consideration. In the absence of the examination of the complainant Ramakrishnan no reliance can be placed on the evidence of W-4 or W-5. Those witnesses appears to have filed affidavits. I am afraid if the domestic enquiry officer adopts this method by Affidavit there cannot be any end to the Affidavit resulting in serious injustice to the opposite party unless the deponent is examined. The opposite party will not have an opportunity to challenge the contents. Merely because the complainant expressed his inability to attend the enquiry. It cannot be presumed that what he has complained of must be true. Such inferences are opposed to principles of natural justice. With regard to this charge also there is considerable delay of more than one year. The petitioner himself has not made any admission that he has appropriated this amount. Therefore, the charge cannot be held to be established against the Respondent on the totality of the materials placed before the domestic enquiry officer.

9. With regard to the last charge said to be proved it relates to a short payment of Rs. 50 on 14-8-74. The case Assistant Superintendent of Arnakal Estate on 14-8-74. Later the Assistant Superintendent made the report of short payment of Rs. 50. It is true the complainant was present on 14-8-74. But he did not turn up for 16-8-74. In the absence of the examination of the complainant no reliance can be placed on his subsequent letter dated 16-8-74. The other witnesses who were examined on this charge did not throw any light against the petitioner. In the circumstances the materials placed before the enquiry officer hardly prove this charge also. It should also be remembered that long after this the petitioner has been permitted in 1975. Under these circumstances there is no acceptable materials to show that any of the charges has been proved.

10. In this context it should also be remembered that two more charges were also levelled against the petitioner. A perusal of these two charges would indicate that charges are for its own sake had been made against the petitioner. The very fact that such charges are levelled would be sufficient to point out that with ulterior motives the charges are made against the petitioner. Petitioner's grievance is that the prosecuting authority namely Shri Joseph Kurian, Manager of the Vandiperiyar was not in good terms with him and it is he that brought these five charges against him as pointed out earlier. This person has been allowed to be cross examined by the petitioner. Although there is not enough materials to hold that Shri Joseph Kurian was responsible for the charges against the petitioner, the hard fact remains that there is little substance in any of the five charges levelled against the petitioner. I am constrained to find that the finding of the domestic enquiry officer are perverted and based on no legal evidence.

11. Therefore, an award is passed ordering reinstatement of the workman Thiru A. G. Antony, together with back wages and continuity of service. I also direct the Respondent Management to pay a sum of Rs. 200 to the workman towards his cost.

T. SUDARSANAM DANIEL, Presiding Officer
[No. L-12012/24/78-D.II(A)]

Witnesses Examined

For both sides : None

Documents marked

For workmen : Nil

For Management :

M1/8-11-71 Report of Thiru M. N. George against the employee.

M-2/23-4-74 Letter from Thiru T. Ramakrishnan, Treasurer of the Vandiperiyar Post Office regarding remittance of amount on 22-4-74.

M-3/23-4-74 Report of the Manager of the Vandiperiyar Branch against Thiru P. G. Antony.

M-4/27-4-74 Letter from the Manager of the Bank, Kottayam to the Manager of the Bank, Vandiperiyar deputing the Development Officer to conduct surprise verification of cash.

M-5/ Verification report of the Development Officer.

M-6/2-5-74 Letter from the Manager of the Bank, Vandiperiyar to the Head office requesting to transfer Thiru P. G. Antony.

M-7/22-5-74 Letter to the Post and Telegraph Office, Trivandrum requesting to send chalan dated 22-4-74 for Rs. 5,000.

M-8/5-6-74 Reply letter from the Deputy Director of Audit and Accounts, Post and Telegraph, Trivandrum to Ex. M-7.

M-9/13-8-74 Letter from the Bank to the Post and Telegraphs Department for the Chalan.

M-10/15-8-74 Report of Thiru Dharamasingh Richardson regarding shortage of amount collected from the Bank.

M-11/22-8-74 Report of the Manager of the Bank, Vandiperiyar to the Head Office against Thiru P. G. Antony.

M-12/28-8-74 Letter from the Post and Telegraphs Department to the Bank regarding the Chalan for Rs. 5,000.

M-13/3-9-74 Letter from the Bank to the Post and Telegraphs Department requesting for the chalan for Rs. 5,000.

M-14/18-11-75 Memo issued to Thiru P. G. Antony calling for explanation.

M-15/12-12-75 Reply by Thiru P. G. Antony to Ex. M-14.

M-16/10-5-76 Charge sheet issued to Thiru P. G. Antony.

M-17/11-5-76 Letter from the Bank Manager, Ponnari to the Head Office intimating the service of memo on Thiru P. G. Antony.

M-18/18-5-76 Explanation of Thiru P. G. Antony to Ex. M-16.

M-19/20-5-76 Letter from the Manager, Ponnani Branch to the Head Office forwarding Ex. M-18.

M-20/26-5-76 Notice of enquiry issued to Thiru P. G. Antony.

M-21/9-8-76 Written brief filed on behalf of the Bank before the enquiry officer.

M-22/25-8-76 Written arguments filed on behalf of Thiru P. G. Antony before the Enquiry Officer.

M-23/ " -do-

M-24/28-8-76 Findings of the Enquiry Officer.

M-25/30-8-76 Letter from the Enquiry Officer to the Head Office forwarding Ex. M-24 and enquiry papers.

M-26/20-1-77 Show cause notice issued to Thiru P. G. Antony proposing the punishment of discharge.

M-27/28-1-77 Letter from the Branch Manager, Ponnani to the Head Office intimating the service of Ex. M-26 on Thiru P. G. Antony.

M-28/4-2-77 Reply from Thiru P. G. Antony to Ex. M-26.

M-29/29-3-77 Order of discharge issued to Thiru P. G. Antony.

M-30/5-4-77 Letter from the Branch Manager, Ponnani to the Head Office intimating the service of Ex. M-29 on Thiru P. G. Antony.

M-31/18-4-77 Memorandum of Appeal of Thiru P. G. Antony against the discharge order.

M-32/5-7-77 Order of the Appellate authority confirming the discharge order.

M-33/5-9-77 Letter from Thiru P. G. Antony to the Assistant Labour Commissioner (Central) for intervention.

M-34/3-3-78 -do-

M-35/6-3-78 Conciliation failure report.

M-36 Bi-partite settlements between Banks and their workman.

(Industrial Tribunal)

[No. L-12012/24/78-DII.A.]

New Delhi, the 7th December, 1979

S.O. 4031.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Punjab Cooperative Bank Limited, Amritsar and their workman over denying the benefits of gratuity etc. to Shri Thakur Durga Dass, which was received by the Central Government on the 22-11-79.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT.

I.D. Nos. 178 of 1977

In re :

The President, Punjab Bank Employees Federation, N.D. 243, Purani Katchery, Jullundur City—Petitioner.

VERSUS

The Chairman, Punjab Cooperative Bank Limited Amritsar—Respondent.

AWARD

This award would dispose of two references made at the initiative of Punjab Bank Employees' Federation, Jullundur in the matter of Shri Thakur Durga Dass of the Punjab Cooperative Bank Limited in the year 1974. The first reference is dated 11th September, 1974 and the second one is dated 10th December, 1974 and the respective orders of references read as under :

1. Whether the action of the management of Punjab Cooperative Bank Limited in denying the benefits of gratuity etc. for the period from the 17th June, 1943 to 9th September, 1950 to Thakur Durga Dass is justified? If not, to what relief is he entitled?
2. Whether the action of the management of Punjab Cooperative Bank Limited in not paying full benefits of gratuity etc. to Thakur Durga Dass from the 17th June, 1943 to the 10th March, 1972 is justified? If not, to what relief is he entitled?

2. From the perusal of various orders of references it would be found that the references relates to the benefits of gratuity etc. on the termination of the services of the workman relating to different period. In fact the first reference is included in the second reference in the matter of claim and the period both. Both these references were received by Industrial Tribunal, Chandigarh and were registered at no. 9-C and 13-C of 1974. Usual notices were sent to the parties which put in their appearance but before the references could be disposed of they stood transferred to the Industrial Tribunal, Delhi and finally these references were received by transfer by this Tribunal vide order No. L-12025(21)/76-D.II(A)D.IV(B) dated the 13th May, 1977 and this is how these references have come up before this Tribunal for disposal. On receipt of these references from Industrial Tribunal, Delhi these were registered and notices were sent to the parties to appear. On receipt of these references it was pointed out by the Management of the Bank to this Tribunal that the workman has since died and as such the references have become infructuous and cannot be proceeded with. In consequence this fact was notified to the counsel for the workman and the Federation who admitted the factum of the death of workman but filed an application for bringing on record the legal representatives of the deceased. In consequences following issue was framed :

1. Whether this reference and dispute survive the death of the workman Shri Thakur Durga Dass?

3. No witness was examined by the parties on this issue rather only arguments were heard.

4. I have heard Shri Madan Mohan for the workman and Shri Hari Ram, the representative of the Bank and after giving my considered thought to the matter before me I have come to the conclusion that the references do not survive the death of the workman. From the perusal of the two orders of references I find that the action of the Management of Punjab Cooperative Bank Limited in not paying full benefits of gratuity to Thakur Durga Dass from the 17th June, 1943 to 10th March, 1972 has been the subject matter of these references. In the face thereof it would be difficult to accept that these references survive the death of the workman. As conceded by Shri Madan Mohan at the bar this Tribunal has no jurisdiction to implead the legal representatives of the deceased workman as parties to these references and certainly it would be beyond the scope of Industrial Dispute Act and the provisions thereof to implead the legal representatives of the deceased in these references. The question which comes for consideration is that this is not a reference u/s 2-A and rather references u/s 2-K on the espousal of the Punjab Bank Employees' Federation. Shri Madan Mohan has not been able to establish before me that any interest survives to the Federation to prosecute these references after the death of the deceased. There is no community of interest of the union directly involved in these references particularly in view of the pleadings of the parties.

5. In view of my discussions above, I hold that these references do not survive and have become redundant after the death of Thakur Durga Das, workman and accordingly it is awarded in both these references that the question referred cannot be adjudicated upon in view of the death of Shri Thakur Durga Dass. Parties however are left to bear their own costs.

MAHESH CHANDRA, Presiding Officer

Dated, the 14th November, 1979

[No. L-12012/30/73-LR-III/D.IIA]

G. S. SUBRAMANIAN, Under Secy.

नई दिल्ली, 4 दिसम्बर, 1979

आदेश

कां.प्र. 4032.—भारत सरकार के तत्कालीन श्रम और राजगार मंत्रालय (श्रम और राजगार विभाग) की अधिसूचना संख्या कां. प्र. 1697 तारीख 22 मई, 1965 द्वारा गठित केन्द्रीय सरकार श्रम न्यायालय, धनबाद 2 के पीठासीन अधिकारी के कार्यालय में एक रिक्ति हुई है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपखण्डों के अनुसरण में केन्द्रीय सरकार श्री बी० के० रे को 30 नवम्बर, 1979 (पूर्वाह्न) से उक्त श्रम न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[सं० एन० 11020/2/79/डी० 1 (ए०) (ii)]

New Delhi, the 4th December, 1979

ORDER

S.O. 4032.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Labour Court No. 2, Dhanbad constituted by the notification of the Government of India in the then Ministry of Labour and Employment No. S.O. 1697 dated the 22nd May, 1965.

Now therefore in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri B. K. Ray as the Presiding Officer of the said Labour Court with effect from the forenoon of the 30th November, 1979.

[No. S. 11020/2/79-D.I(A)(ii)]

कां.प्र. 4033.—भारत सरकार के तत्कालीन श्रम और राजगार विभाग की अधिसूचना संख्या कां. प्र. 103 तारीख 11 जनवरी, 1960 द्वारा गठित केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद 1 के पीठासीन अधिकारी के कार्यालय में एक रिक्ति हुई है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपखण्डों के अनुसरण में केन्द्रीय सरकार श्री बी० के० रे को 30 नवम्बर, 1979 (पूर्वाह्न) से उक्त औद्योगिक अधिकरण के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[सं० एन० 11020/2/79/डी० 1 (ए०) (ii)]

S.O. 4033.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Industrial Tribunal No. 1, Dhanbad constituted by the notification of the Government of India in the then Ministry of Labour and Employment No. 103, dated the 11th January, 1960.

Now, therefore in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri B. K. Ray, as the Presiding Officer of the said Industrial Tribunal with effect from the forenoon of the 30th November, 1979.

[No. S. 11020/2/79/DIA(h)]

नई दिल्ली, 5 दिसम्बर, 1979

कां.प्र. 4034.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2, के खण्ड (ड) के उपखण्ड (vi) के उपखण्डों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कां. प्र. 2340 तारीख 21 जून, 1979 द्वारा दिल्ली दूध योजना के अधीन दूध प्रदाय उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 22 जून, 1979 से छः मास की कालाविधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालाविधि को छः मास की और कालाविधि के लिए, बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 22 दिसम्बर, 1979 से छः मास की और कालाविधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एन० 11017/11/78/डी० 1 ए]

New Delhi, the 5th December, 1979

S.O. 4034.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of Sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 2340 dated the 21st June, 1979, the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the said Act, for a period of six months from the 22nd June, 1979;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd December, 1979.

[No. S-11017/11/78-D.I.A.]

नई दिल्ली, 7 दिसम्बर, 1979

कां० प्रा० 4035—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कां० प्रा० 2132 तारीख 12 जून, 1979 द्वारा बैंक नोट प्रेस, देवास, की सेवाओं को उक्त अधिनियम के प्रयोजनों के लिए 12 जून, 1979 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त सेवाओं को उक्त अधिनियम के प्रयोजनों के लिए 12 दिसम्बर, 1979 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० एस० 11017/12/79/डी।ए।]

New Delhi, the 7th December, 1979

S.O. 4035.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 2132 dated the 12th June, 1979, the service in the Bank Note Press, Dewas to be a public utility service for the purposes of the said Act, for a period of six months, from the 12th June, 1979 ;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 12th December, 1979.

[No. S-11017/12/79-DIA]

नई दिल्ली, 10 दिसम्बर, 1979

कां० प्रा० 4036—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कां० प्रा० 2133 तारीख 8 जून, 1979 द्वारा सिस्मुरिट पेपर मिल होशंगाबाद को उक्त अधिनियम के प्रयोजनों के लिए 18 जून, 1979 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों को 18 दिसम्बर, 1979 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० एस० 11017/10/79/डी।ए। 1 ए०]

New Delhi, the 10th December, 1979

S.O. 4036.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 2133 dated the 8th June, 1979, the Security Paper Mill, Hoshangabad to be a public utility service for the purposes of the said Act, for a period of six months from the 18th June, 1979.

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 18th December, 1979.

[No. S-11017/10/79-DIA]

कां० प्रा० 4037—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कां० प्रा० 2134 तारीख 8 जून, 1979 द्वारा उक्त अधिनियम की धारा 2 के खण्ड (ख) में यथोपरिभाषित बैंकिंग कम्पनी द्वारा चलाए जा रहे बैंकिंग उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 जून, 1979 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 दिसम्बर, 1979 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० एस० 11017/11/79/डी।ए।]

प्रा० बी० एन० मरमेना, डेस्क अधिकारी

S.O. 4037.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 2134 dated the 8th June, 1979, the Banking Industry carried on by a Banking Company as defined in clause (bb) of Section 2 of the said Act, to be a public utility service for the purpose of the said Act, for a period of six months from the 29th June, 1979.

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 29th December, 1979.

[No. S-11017/11/79-DIA]

P. B. L. SAXENA, Desk Officer

New Delhi, the 4th December, 1979

S.O. 4038.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Sawang Colliery of Messrs. Central Coalfields Limited, Post Office Sawang, District Giridih and their workmen, which was received by the Central Government on the 29th November, 1979

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No.1 of 1979

In the matter of an industrial dispute under Section 10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the management of Swang Colliery of Messrs Central Coalfields Limited, Post Office Swang, District Giridih

AND

Their workmen

APPEARANCES :

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—Shri Lalit Burman, Secretary, United Coal Workers Union, District Giridih.

State : Bihar.

Industry : Coal.

Dated 26th November, 1979.

AWARD

The Central Government by notification No. L-20012/76/78-D. III (A) dated 7th February, 1979 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

“Whether the action of the management of Swang Colliery of Central Coalfields Limited, Post Office Swang, District Giridih in terminating Shri Shambhu Nath Singh, Coal Cutter from service with effect from 24th August, 1977 is justified? If not, to what relief is the said workman entitled?”

The workman Shri Shambhunath Singh had filed two leave petitions dated 19-7-77 and 25-7-77 asking leave from 20-7-77 to 30-7-77. These two leave applications were received by the management on 30-7-77. The management took the view that the workman had virtually availed the leave without any prior approval. The leave petitions were rejected and he was directed to join at once. The workman did not join his duties and was untraced. A charge-sheet was accordingly issued to him on 11-8-77 asking him to resume his duties within 3 days and to explain his unauthorised absence. The workman did not comply with the direction in the charge-sheet and therefore his services were terminated w.e.f. 24-8-77. On 17-10-77 Shri Shambhu Nath Singh submitted an application to the Sub Area Manager that he met with a motor-cycle accident and he reported sick in the colliery hospital on 1-8-77. He further claimed that in the night of 10-8-77 he was arrested by the police and lodged in the Giridih jail till he was released on bail on 11-10-77. The statement made by the workman was not accepted by the management and since his services had already been terminated he was not allowed to join his duties. According to the management the workman Shri Shambhu Nath Singh was implicated on a case of rape of a Harijan employee who was an employee of the colliery before 19-7-77 and was evading arrest. This created an extremely a serious situation. These two applications for leave and reporting sick thereafter were intended to cover up the period of his evading arrest by the police. The management, in view of the fact that he was involved in the rape case and detained in prison did not think it necessary to proceed with any departmental enquiry and terminated his services on the ground that he continued to remain absent for more than 10 days which was against the certified Standing Orders of the company.

The case of the workman was taken up by the United Coal Workers Union and since the conciliation proceedings failed the present reference was made by the Central Govt.

The management and the workmen have appeared and filed their respective written statements and rejoinders. While supporting the above case, the management has said in the written statement that the reference was incompetent because it was at the instance of Shri J. L. Das, claiming to be the Secretary of United Coal Workers Union. According to the management Shri J. L. Das was never legally elected as Secretary of the union and the workman Shri Shambhu Nath Singh was never a member of the union during the relevant time.

According to the workman he suffered from pulmonary tuberculosis and was allowed light work by the order of the management in 1976 and 1977. He made an application dated 19-7-77 for granting leave from 20-7-77 to 23-7-77 and another leave application dated 25-7-77 for granting leave from 25-7-77 to 30-7-77 for health reason. On expiry of the leave period he reported to the colliery dispensary and attended the dispensary till 10-8-77. On 10-8-77 at midnight he was arrested by the police in connection with a criminal case. He sent a letter to the management intimating about his arrest and also through his co-workers. He was released on bail on 11-10-77 and approached the management for permission to resume duty. But he was not allowed to resume duty on the ground that his services were terminated for absents from duty from 20-7-77 without permission and without satisfactory cause. According to him his absence was thoroughly explained and therefore the management should not have terminated his services. According to him the order of termination was passed when he was in jail and so he had no personal knowledge about the charges framed against him and about the directions passed by the management. He has, therefore, prayed that the order of the management in terminating his services was illegal and unjustified and that he was entitled to get the relief for reinstatement in the service with full back wages and other benefits. The same position has been taken in the rejoinder which need not be reiterated.

On behalf of the management only one witness, Shri S.N.B. Rai has been examined. He is a Senior Personnel Officer in Swang Colliery since 1943. He has said that the concerned workman had sent two leave petitions dated 19-7-77 and 25-7-77 which were received in his office on 30-7-77. In the application dated 19-7-77 he wanted leave from 20-7-77 to 23-7-77 and in the other from 25-7-77 to 30-7-77. He further said that 24-7-77 was a Sunday. His evidence is that the management sent the reply to the concerned workman rejecting his leave applications. The reply is Ext. M1 under which he was also directed to join within 24 hours. He said that the workman did not join and for the first time he came on 17-10-77 and submitted an application, Ext. M4 but before that a charge sheet dated 11-8-77 (Ext. M2) was issued to the workman which he did not reply. Then the management sent another letter to the workman, Ext. M3 terminating his services. His evidence is that in the course of these steps taken by the management no information was received from the workman or from his wife or from anybody else. On 17-10-77 the management was officially informed that the concerned workman was involved in a rape case with a Harijan woman along with three others. Before that there was a general halla in the colliery that the concerned workman had been implicated in a rape case. So after 17-10-77 the management took a copy from the police station of the fardbayan of the victim woman.

Besides the above documentary evidence mentioned in the dealings of evidence of MW. 1, two letters, Exts. M5 and M6 have also been taken into evidence on admission. Ext. M5 is the sick certificate and Ext. M6 is the letter dated 10-1-78 addressed to the Asstt. Labour Commissioner (C), Hazaribagh.

From the side of the workmen no oral evidence was adduced, but three documents have been admitted. Ext. W. 1 is an office order of the colliery under which the workman, Shri Shambhu Nath Singh on compassionate ground had been allowed light duty. Ext. W. 2 is the medical ticket. Sl. No. 1857 showing the workman's attendance in the colliery dispensary from 1-8-77 to 10-8-77. Ext. W. 3 is a certified copy of the order of the Sub-Divisional Judicial Magistrate, Berma dated 11-10-77 granting bail to the concerned workman, Shri Shambhu Nath Singh.

The above is all the evidence adduced in this case. The management filed a copy of the fardbayan of one Asarfa Chamarian, wife of Rajendra Rabidas of Swang Colliery, P. S. Gomio District Giridih. It was concerning Gomio P. S. Case No. 8 dated 18-7-77. Although MW. 1 has said about this document that it was obtained from the police station after 17-10-77, i.e. after the workman appeared on his release on bail, MW. 1 was unable to prove this document. In fact this

is not a certified copy issued from the police station. We are therefore, unable to say that an occurrence of this nature took place on 18-7-77. MW. 1 has only said that before 19-7-77 some such occurrence had taken place and a large number of Harijan workers had come to his office. But what we need is concrete evidence showing that the two petitions for leave were filed by the workman for the reason that he was wanted by the police and not because he was actually suffering from some ailment. On this point, the fardbayan is not of any help. MW. 1 said that the occurrence of rape took place sometime before 19-7-77. Neither the fardbayan nor the evidence of MW. 1 could be conclusive evidence to show that the workman was wanted by the police in connection with a rape case. Nor the fardbayan says that one Shri Sambhunath, doodwalla was among the 3 persons who had raped her. It appears that the workman had been arrested and he was bailed out by the Sub-Divisional Judicial Magistrate, Bermo at Giridih. The workman's name is Sri Shambhu Nath Singh. No evidence had been adduced to show the stage of the criminal case in which the workman was arrested and nothing has been shown to connect the workman with this crime. We have no means to know that the victim as a woman identified this workman whom he called Sambhu doodwalla. For our purpose this workman was arrested much after this case was instituted. There is previous history of ailment so far as this workman is concerned. The two leave applications which were rejected are not on the record of this case and so we are not in a position to categorically say what ground had been advanced. But we have positive evidence on the point that from 1-8-77 to 10-8-77 the workman was sick and was treated in the colliery dispensary as an outdoor patient. He was arrested in the midnight of 10th August, 1977. So atleast between 1-8-77 to 10-8-77 it cannot be said that the workman had absconded on account of a criminal case against him. Viewed in this light, the earlier two petitions for leave cannot be regarded as petitions filed solely to evade arrest by the police. In other words, these petitions might have been genuinely filed and summararily rejected for the reason that the petitions reached the colliery office late. The management's case is that the workman should have taken leave before availing it. But in this case the petitions reached the office of the management after the leave was already availed of. According to the Standing orders of the company absence of more than 10 days without leave would make the workman liable for termination of service. This is what the management did in connection with the workman. Now we have to consider whether the management was justified in summararily rejecting the two petitions for leave under the circumstances obtaining in this case. In the written statement of the management it has been made clear that the involvement of the workman in the rape case had caused some stir in the colliery and MW. 1 has also said that the Harijan workers had come in his office making allegation of rape against the workman and others. It appears therefore that the petitions were summararily rejected on this background of prejudice. Moreover, between 20-7-77 and 30-7-77 there are 10 days including a Sunday. By the time the petitions were received in the office of the colliery 10 days clear absence from duty had not even expired. The proceeding actually started on 11-8-77 i.e. after the workman was arrested. The workman's case is that he informed the management through an application about his arrest and some workmen also went to inform the management. Even then the papers of the proceeding were sent to the workman by his home address. There is nothing to indicate that the workman's wife was informed about such a proceeding. It does not stand to reason that MW. 1 and other officers of the colliery were unaware about the arrest of the workman. The subject matter of the proceeding was that he was absent for more than 10 days. But the management knew that before his arrest the workman had filed two petitions for leave and thereafter from 1-8-77 to 10-8-77 he was receiving treatment in the colliery hospital. So far the period before his arrest there was ample justification for his absence. MW-1 has said that if a workman receives treatment in the hospital he need not formally apply for leave. Under the circumstances set forth above, the period of his absence before his arrest is thoroughly explained and for the period after his arrest the management should have waited for release of the workman before starting departmental proceeding. I may mention that the management has made it clear that the services of the workman was not terminated for his arrest in a criminal case, but was merely on the ground of absence for more than 10 days. Now, this being the position, the workman could not present himself for duty firstly because he was receiving treatment in the hospital and secondly because he was arrested by the police in the midnight of 10th August, 1977 to the knowledge of the management.

Thus considering all aspects of the case the termination of services of the workman was not justified. Consequently he will be deemed to be continuing in service from the date of the termination of his service and he will be entitled to receive the benefit of back wages and other allowances permissible to him.

This is my award.

J. P. SINGH, Presiding Officer
[No. L-20012/76/78-D. III(A)]

New Delhi, the 6th December, 1979

S.O. 4039.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of Messrs Chettinad Cement Corporation Limited, Karur and their workmen, which was received by the Central Government on the 27th November, 1979.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A., B.L.,

INDUSTRIAL TRIBUNAL, MADRAS

(Constituted by the Government of India)

Industrial Dispute No. 18 of 1976

(In the matter of the dispute for adjudication under Section 10(2) of the Industrial Disputes Act, 1947 between the workmen and the Management of Alambadi Lime Stone Mines of Chettinad Cement Corporation, Puliur).

BETWEEN

The workmen represented by

The Secretaries :—

1. Chettimand Cement Corporation Uzhaipallar Sangam, C/o. Alambadi Lime Stone Mines, Chattrapatti-624 620, Via Palayam, Madurai District.
2. Chettinad Cement Quarry Workers Union, C/o Alambadi Lime Stone Mines, Chattrapatti-624 620, Via Palayam, Madurai District.
3. Chettinad Cement Corporation Anna Thozhilalar Union, C/o. Alambadi Lime Stone Mines, Chattrapatti-624 620, Via Palayam, Madurai District.
4. Cement Workers Progressive Union, C/o Alambadi Lime Stone Mines, Chattrapatti-624 620, Via Palayam, Madurai District.

AND

The General Manager,
Messrs. Chettinad Cement Corporation Limited,
Puliyur Cement Factory Post, Karur Taluk,
Tiruchirappalli District.

REFERENCE :

Order No. L-29011/132/75-D. III(B), dated 27th February, 1976 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Monday, the 5th day of November, 1979 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru R. Alnan, Secretary of Union No. 1, Thiru I. M. Moinuddin, President of Union No. 2, Thiruvalargal S. C. Krishnan, General Secretary and V. Perumal, Treasurer of Anna Thozhirsanga Peravai for Union No. 3 and Thiru A. Thambusamy, General Secretary of Union No. 4 and of Thiru M. R. Narayanaswami, an Officer of the Employers' Federation of India for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following—

AWARD

This is an Industrial Dispute between the workmen and the Management of Chettinad Cement Corporation Limited, Puliur Cement Factory Post, Karur Taluk, Tiruchirapalli District referred to this Tribunal for adjudication under section 10(2) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-29011/132/75-D. III(B), dated 27th February, 1976 of the Ministry of Labour, in respect of the following issues :

1. Whether the fitment of different categories of workmen employed in Alambadi Limestone Mines of the Chettinad Cement Corporation Limited, Puliur Cement Factory Post, Karur Taluk, Tiruchirapalli District, in different grades is proper, and if not, what modifications are necessary ?
2. Whether the demand of the workmen employed in Alambadi Limestone Mines of the Chettinad Cement Corporation Limited, Puliur Cement Factory Post, Karur Taluk, Tiruchirapalli District, for washing allowance and night-shift allowance is justified ? If so, to what relief are the said workmen entitled ?

(2) The facts leading up to the present dispute are not in controversy. The Respondent is the Management of Chettinad Cement Corporation Limited, Puliur Cement Factory Post, Karur Taluk, Tiruchirapalli District. The cement factory of the Respondent-Corporation is located at Puliur, Karur Taluk, Trichy District, whereas lime-stone mines are situated 20 miles away from the factory at Alambadi, Vadachandur Taluk, Madurai District. There are about 600 workers employed by the Management in the cement factory and about 150 workers in the lime stone mines. The present reference relates only to the workmen employed in Alambadi limestone mines by the Respondent-Management. The workmen employed by the Respondent-Management in Alambadi limestone mines are represented by 4 Unions, viz., Chettinad Cement Corporation Uzhaippalar Sangam, Chettinad Cement Quarry Workers Union, Chettinad Cement Corporation Anna Thozhilalar Union and Cement Workers Progressive Union. The four Unions have filed separate claim statements but they are agreed in this (i), for the fitment of the various workers in proper categories and (ii) for claiming night shift allowance and washing allowance. Since the claims of all workmen represented by the four Unions are substantially identical the Respondent-Management has filed a common counter statement contending that the existing fitment of workmen made by the Respondent-Corporation is justified and needs no revision and that the workmen employed by the Respondent-Management would not be entitled to the night shift and washing allowance. The Management thus contended that the claim with reference to issue No. 2 must be rejected while so far as issue No. 1 is concerned a qualified technical Assessor may be appointed to submit a report in respect of the various categories of workers and that he may also be directed to suggest the gradation of those categories. Subsequently, the Management filed Miscellaneous Application No. 19, of 1977 under section 11 clause 5 of the Industrial Disputes Act, 1947 to appoint a third party independent Assessor with technical qualification to visit the quarries and submit a detailed report regarding the categorisation and gradation of various types of workmen employed in the quarries. This application was resisted by the Unions contending that the appointment of an Assessor is not necessary and this is only an attempt to prolong the issue. On 17-2-1977, my learned predecessor passed an order appointing an Assessor to go into the question and submit the report. From the order, it is seen that the Management has undertaken to bear the cost of the Assessor and the Tribunal has also passed an order that the remuneration of the Assessor will be fixed later and it will be paid by the Management. Consequently my learned predecessor appointed the Madras Productivity Council, Madras as an Assessor to make a study of the working in the quarries and submit report relating to categorisation and gradation of various workmen with liberty for both parties to submit memo of instructions to Assessor. The Madras Productivity Council undertook the job evaluation as directed by this Tribunal of Alambadi Mines of Chettinad Cement Corporation Limited, Puliur. Ex. M-1 is the Job Evaluation Report submitted by the Madras Productivity Council. Even from this Report Ex. M-1 it can be gathered that firstly it was decided that Management should

furnish job descriptions in respect of each category of workmen and that both the Union representatives and the Management representatives would be present at the time of data collection. It may also be noted that the Management was kind enough to spare the Union representatives for these purposes on duty. Data was accordingly collected in Annexure-I of Ex. M-1. Thereafter direct negotiations were made from each workman in the presence of the Trade Union representatives and all the job descriptions were written by the Assessors as per Annexure-2. Depending on the work involved, nature of work and skill required to perform the job, job specifications were also prepared by the Assessors. (vide Annexure 3). A job evaluation plan was eventually submitted by the Assessors as is contained in Annexure-4 of Ex. M-1. Even after the Assessor filed the Report Ex. M-1 this Tribunal called upon both parties to file their objections if any to the job evaluation report under Ex. M-1 submitted by the Madras Productivity Council. The Management did not file any objection to the Assessor's Report, whereas all the four Unions filed their objections to the Assessor's Report Ex. M-1. Thereupon evidence was adduced before this Tribunal both oral and documentary. The workmen examined 9 witnesses on their behalf while the Management examined two witnesses, viz., the Industrial Engineer as M.W.1 and the Mines Manager as M.W.2 and the matter stood posted for arguments.

(3) At this stage another significant development took place. While the matter was pending before this Tribunal the workmen of the cement industry represented by the Indian National Cement and Allied Workers' Federation, Bombay-4 raised demands against the employers of the Cement industry represented by Cement Manufacturers' Association, Bombay and those demands were referred to the National Arbitration Board consisting of Shri G. Ramanujam and Shri R.P. Nevatia for arbitration by Government of India by its order No. L-29013/2/77-D-III-8 dated 28th November, 1977 and No. L-29013/2/77-D-III-8, dated 9th January, 1978. The arbitration board rendered its Award on 26th September 1978. Ex. M-6 is the printed copy of that Award. Annexure VI of Ex. M-6 dealt with occupational nomenclature with job descriptions and their classification into grades of various workmen employed in cement factories and quarries on a national basis. The question of payment of night shift allowance and the washing allowance had also been decided by the said Award of Arbitration Board—vide paragraphs 172 to 182 and 184. The Award came into force with effect from 1-10-1978. That being so on 9-12-1978, the Respondent-Management and the workmen employed by the Respondent-Management had agreed before this Tribunal to abide by the terms of award Ex. M-6 and to work out the consequent details in discussions between the Management and the Unions and such discussions went on for some time. Both the parties held series of bilateral discussions on the question of implementation of the award relating to the workmen employed in limestone mines. Ex. M-5 are the terms of settlement under Section 18(1) of the Industrial Disputes Act entered into between the Management and the workmen represented by two Unions, viz., Chettinad Cement Quarry Workers Union and Chettinad Cement Corporation Anna Thozhilalar Union out of four Unions on 13-10-1979. Two Unions which did not subscribe to the settlement under Ex. M-5 had filed their objections before this Tribunal. I shall now advert to the objections raised by them

(4) In the first place these two Unions, viz., Chettinad Cement Corporation Uzhaippalar Sangam (Union No. 1) and Cement Workers Progressive Union (Union No. 4) contend that in as much as they did not agree to the Settlement under Ex. M-5, the terms of those settlements would not bind their workmen. Needless to point out that in as much as the Settlement under Ex. M-5, is only one under Section 18(1) it will necessarily in law bind only the parties thereto. Both these Unions faintly contended that in as much as Union No. 4 alone had originally raised the demands resulting in the present reference any settlement without its consent must be held to be bad in law. But this position has been repelled by a Division Bench of our High Court in Writ Petition No. 2742/76 dated 1-2-1979 reported in a matter arises from this Tribunal in I.D. No. 41/1975. Therefore after this decision of the Division Bench such a contention cannot be countenanced. The claim of Union No. 4 is that the Unions which are parties to the Settlement Ex. M-5 have very few members and that majority of the workmen oppose this Settlement, and their

alleged signatures opposing the Settlement are enclosed in Annexure-I to the objections filed by Union No. 4. The total work force in limestone mines is about 175. About 97 alleged signatories are found in the Annexure to the objections filed by Union No. 4 which is marked as Ex. W-12. But great reliance cannot be placed on this so-called Annexure of workmen objecting to the Settlement for the following reasons. For their part, the two Unions who are parties to the Settlement under Ex. M-5 have filed a list of workmen who had agreed to abide by this Settlement and the two lists are together marked as Ex. M-8. It may be noted that Ex. M-8 had been sent to this Tribunal by these two Unions concerned. If credence has to be placed on Ex. M-8, then 101+10 workmen altogether 111 workmen support the Settlement entered into under Ex. M-5. Therefore even on a consideration of the totality of the materials now placed there is room to say that the majority of workmen support the settlement entered into under Ex. M-5. Although if majority of workmen support a settlement that can be taken into consideration as one factor to support the fairness and justness of the terms of the settlement the converse case, viz., that merely because a minority of the workmen support the terms of the settlement it does not necessarily follow that the terms of settlement are not fair, unjust or unequitable. In this context one significant circumstance should also be borne in mind. Union No. 4 i. e. Cement Workers Progressive Union which claims to be the majority Union claiming a work force of 197 as evident from Ex. W-12 had participated in the discussions held with the Management for 15 hearings. As a result of detailed discussions on 18-9-1979 three Unions including Chettinad Cement Corporation Quarry Workers' Progressive Union had approved the draft terms of settlement as will be borne out by Ex. M-7. It is not as though the Union representative had simply affixed his signature in Ex. M-7 without agreeing to the terms of the settlement. Further more, even in the objection filed by the fourth Union there is no whisper that the Union had consented to the terms of settlement under any misapprehension. In the absence of any such claim, even in the objection it is perfectly clear that even the majority Union represented by the fourth Union had in fact agreed to the terms of the settlement as mentioned in Ex. M-7. The terms mentioned in Ex. M-7 are translated into details in the settlement Ex. M-5. Therefore three Unions including fourth Union had in fact consented to the terms of settlement entered into under Ex. M-7 and Ex. M-5. In that view Union No. 4 is also bound by the terms of settlement entered into under Ex. M-7 and M-5. In as much as on the facts appearing in this dispute substantial majority of the workmen have supported the terms of settlement under Exs. M-7 and M-5 it is not unreasonable to hold that the terms of settlement entered into under Ex. M-5 are just, fair and equitable.

(5) It remains to be considered whether there is any substance in the objection filed by Union No. 1, viz., Chettinad Cement Corporation Uzhaipallar Sangam. This objection has been marked as Ex. W-11. One and the only objection running through this is that the settlement will not be in the interest of the majority of the employees. I had earlier referred to this respect of affecting majority and minority workers. The interest of the employee remains the same be it in a majority or a minority. Admittedly this Union has no substantial following. It is not their claim either. Their contention appears to be that the terms of settlement must be ignored and the dispute must be determined by this Tribunal itself on the basis of full and fresh enquiry. I had earlier pointed out how all the four Unions including this Union had agreed to abide by the Award of Arbitration Board for Cement Industry 1978 whose report is marked as Ex. M-6. Therefore having consented to abide by this Award it does not lie in the mouth of this Union at this stage to contend that the issues at stake in the present dispute must be decided by this Tribunal on the basis of a full and fresh enquiry. At page 78 paragraph 207 of Ex. M-6 point out that "where the reference to such Labour Court or Industrial Court or Industrial Tribunal had been made earlier to the date of reference for arbitration before us we would suggest to the parties that in the larger interests of industrial peace in the country and for the sake of uniformity of service conditions as far as possible, the parties may approach the Labour Court or the Industrial Tribunal or the Industrial Court concerned with a joint request to pass an award in terms of our award." The reference to the Arbitration Board for Cement Industry was made on 24-12-1977 whereas the present reference to this Tribunal has been made by the Government of India even on 27-2-1976 and therefore the direction

of the Award of Arbitration Board for Cement Industry as seen from clause 207 of Ex. M-6 must have to be implemented. In that view when the greater majority of the workmen had agreed to the terms of settlement Ex. M-5 it must follow that the terms must be held to be fair and just. At this stage it will be pertinent for me to point out that the terms worked out in the settlement Ex. M-5 are in perfect consonance with the guidelines laid down in the Award of Arbitration Board for Cement Industry 1978 Ex. M-6. Therefore in the larger interest of industrial peace and for the sake of uniformity in service conditions the terms of the Award of Arbitration Board for Cement Industry 1978 had to be implemented. In 1973—II—I.L.J.—Page 144 (The workmen of Government Silk Weaving Factory, Mysore vs. The Presiding Officer, Industrial Tribunal, Bangalore and others), the Supreme Court held that where a Tribunal has recorded a finding to the effect that the settlement was between a substantial number of workmen on the one hand and the management of the pending disputes, that it was a genuine settlement and the terms of the settlement were very fair and just. In the light of the aforesaid decision of the Supreme Court, the present settlement Ex. M-5 based on the Award of Arbitration Board for Cement Industry 1978 Ex. M-6 must be held to be very fair and just. In 1979 (54) F.J.R.—Page 249 (Herbertsons Limited vs. their workmen and others) the Supreme Court has laid down guidelines as to when a given settlement can be held to be just and fair. The Supreme Court points out that as far as the parties are concerned there will always be uncertainty with regard to the ultimate result of the litigation in Court proceedings. In the instant case, the litigation thus far had a checkered career. The reference to this Court was made by the Government as early on 27th February, 1976. Thereafter for obtaining the Assessor's report, considered time has been spent. The Assessor's Report is marked as Ex. M-1. All the four Unions have filed objections to the Assessor's Report. Thereafter all the Unions and the Management had examined witnesses on their behalf. At that juncture the Award of Arbitration Board for Cement Industry was rendered. Whereupon all the parties including the Management and the four Unions had agreed to work out the remedies pursuant to the Award of Arbitration Board for Cement Industry 1978 Ex. M-6. The four Unions started discussions with the Management for about 3 or 4 months. Eventually, three Unions representing the majority of workmen and agreed to the terms of Ex. M-7 which were worked out in the Settlement Ex. M-5. Now two Unions would like to dis-associate themselves from the settlement. Already litigations were pending for about 4 years and there will be no knowing as to what would be the ultimate fate of the dispute. It should also be remembered that the Respondent-Management is not a big concern but is only employed about 175 workmen in the limestone mines. Taking into consideration the job evaluation report Ex. M-1 and the Award of Arbitration Board for Cement Industry Ex. M-6 and the never ending litigations, it is not improbable that on a mature consideration and calm reflection, the workmen had decided to come to terms under Ex. M-5. As the Supreme Court has pointed out that it is not possible to scan a settlement in bite and pieces and hold some parts good and acceptable and others bad. It should also be borne in mind that there is absolutely no allegation of *mala fides* or fraud or even corruption or other inducements for the workmen to have agreed to terms of settlement Ex. M-5. The terms of settlement must be held to be genuine. On an over all examination of the materials oral, documentary and the Assessor's Report Ex. M-1 and the Award of Arbitration Board for Cement Industry Ex. M-6, it must be held that all the categories of workmen working under the Respondent-Management had been given proper nomenclature and proper fitment in the light of the Award under Ex. M-6. No doubt it is pointed out by Union No. 4 Cement Workers Progressive Union that some of the terms under Ex. M-5 are not very satisfactory. The terms may not be satisfactory as far as the Union is concerned. But there are several factors influencing the parties to come to a settlement in the course of collective bargaining. Ex. M-3 is a Comparative Statement of various grades and designations prevailing in quarries attached to cement factories in Tamil Nadu as on date in August, 1978. Those grades and designations obtained in those quarries very favourably compared with the grades and designations now finally settled under Ex. M-5. Further more, the job evaluation report Ex. M-1 which is done by an independent body, viz., Madras Productivity Council would speak volumes of the justness of the grades and designations given to the workmen of the Respondent-Corporation under the settlement Ex. M-5. The designation and grades and

nomenclature given under Ex. M-5 are by and large on the lines indicated in the Award of Arbitration Board for Cement Industry Ex. M-6. As a matter of fact, learned counsel for Respondent-Management Thiru S. Jayaraman points out that the terms of settlement entered into under Ex. M-5 are certainly far above the claims of the Unions made in their claim statements at the commencement of the dispute. In the objections filed by 4th Union, viz., Cement Workers Progressive Union another grievance appears to be that the terms of settlement do not take into consideration the years of service put in by the several workmen concerned. The grievances have been worked out strictly in accordance with the Award of Arbitration Board for Cement Industry Ex. M-6.

Therefore the Settlement under Ex. M-5 worked out in accordance with Ex. M-6 cannot be held to suffer on this account. As has been pointed out by the Supreme Court, it is not possible to scan a settlement in bits and pieces and hold some parts good and acceptable and others bad. Unless it can be shown that the objectionable portion is such that it completely outweighs all the other advantages gained, one should be slow to hold a settlement as unfair and unjust. Herewith I am extracting the nomenclature, grade and strength the Award of Arbitration Board for Cement Industry Ex. existing as on the date of reference and a provision under the Award of Arbitration Board for Cement Industry Ex. M-6 and the settlement under Ex. M-5.

EXISTING				AWARD		Settlement 18(1)			
S. No.	Nomenclature	Grade	Strength	Nomenclature	Grade	Strength	Grade	Strength	Remarks
1	2	3	4	5	6	7	8	9	10
1. Rotary Drillers	C	7	Quarry Driller (Wagon Drills & Skilled Jack Hammer Lower	C	7	B		2	
2. Jack Hammer-Driller	D	20	-do-	C	17	C		22	
2. (a) J. H. Drill cum-Creaser.	D	2	-do-	D	2	C		2	Quarry Driller (Wagon & Jack Hammer)
							C	1	Fitter
							D	2	Watchman
3. Shovel Operator	B	7	Heavy Equipment Operator.	B	7	A		2	
4. Loader/Dozer Operator	B	4	-do-	B	4	B		25	
5. Dumper Operator	B	6	-do-	B	16				
	C	10	—						
6. Watchman	D	4					B	4	
7. Loco Operator	C	5	Loco Driver	B	5	B		5	
8. Compressor Operator	D	4	Machinery Attendant	D	9	D		9	
9. Pump Attendant	D	1	-do-						
10. Pump Attd. cum-Watchman.	D	1	-do-						
11. Platform Attendant	D	3	-do-						
12. Winch Ope. cum-Pointsman	D	4	Machinery Attd/Pointsman	D	4	D		4	
13. Mazdoor	E	4	—	E	4	D		4	
14. Watchman	D	8	Watchman	D	8	D		8	
15. Asst. Mechanic	D	8	..				C	13	Fitter 'C' skilled Lower.
16. Asst. Fitter	D	2	..						
17. Asst. Electrician	D	3	..						
18. Mechanic	B	5	Diesel Mechanic	B	5	A		3	
							B	2	
19. Electrician	B	2	Electrician-cum-Wireman	B	2	B		3	
	C	2					B	1	Armature winder.
20. Blaster	C	7	Blaster	C	7	B		1	
							C	6	
21. Mazdoor	E	1	C		1	Blaster.
22. Dresser	D	1	Dresser-I	I	1	I		1	
23. Welder	B	1	Welder	B	1	B		2	
24. Welder	C	1	-do-	C	1				

Even a comparison of these details would demonstrate without shadow of doubt that not only the terms under Ex. M-5 are just and proper and that they are in perfect consonance with the guidelines indicated by the Award of Arbitration Board for Cement Industry Ex. M-6. It should also be remembered that as far as Issue No. 2 is concerned, viz., washing and night shift allowance even these two Unions 1 and 4 do not object to the terms of settlement under Ex. M-5 as they are in agreement with the guidelines indicated in the Award of Arbitration Board for Cement Industry Ex. M-6. It is stated at the bar that the terms of Ex. M-5 are put into effect by the Management and the various workmen have accepted the new assignment, grade and nomenclature. None of the workmen suffers to any extent as a result of this package deal. All the workmen have gained substantial benefits in their favour. On an anxious and careful consideration of the entire materials oral and documentary and the circumstances and the industrial peace that the settlement has produced it must be held that the terms of settlement under Ex. M-5 are just and very fair and equitable.

(6) In the result an Award is passed in terms of the settlement Ex. M-5. I direct the parties to bear their respective costs.

Dated, this 16th day of November, 1979

T. SUDARSANAM DANIEL, Presiding Officer

WITNESSES EXAMINED

For workmen :

- W.W.1—Thiru S V. Marippan.
- W.W.2— " L. M. Palaniswamy.
- W.W.3— „ L. M. Palaniswamy.
- W.W.4— „ M. Palaniswamy.
- W.W.5— „ C. Thambu.
- W.W.6— „ A. Venkatachalam.
- W.W.7— „ J. K. Subramanian.
- W.W.8— „ T. M. Palaniswamy.
- W.W.9— „ R. Palaniswamy.

For Management :

- M.W. 1—Thiru A. N. Ramanathan, Industrial Engineer, Madras Productivity Council.
- M.W. 2—Thiru D. Srihari, Mines Manager.

DOCUMENTS MARKED

For Workmen :

- Ex. W-1/6-6-74—Letter from the Management to W.W. 6 authorising as Temporary Blaster.
- Ex. W-2/7-12-74—Letter from the Management to W.W. 6 reverting him back to Blasting-helper.
- Ex. W-3/1-8-78—Letter from the Management to W.W. 6 authorising as Blaster.
- Ex. W-4/28-7-71—National Trade Certificate of Thiru J. K. Subramanian.
- Ex. W-5—Recommendations of the I Wage Board for Cement Industry regarding wage structure.
- Ex. W-6—Recommendations of the II Wage Board for Cement Industry regarding Wage Structure.
- Ex. W-7/7-5-75—Text of agreement in the Cement Industry.
- Ex. W-8/14-7-76—Letter from the India Cements Employees' Union, Sankari West furnishing the grades of the Operatives.
- Ex. W-9/15-7-75—Letter from the Dalmia Cement National Workers' Union to Union No. 2 giving the grades for the categories of Operatives.
- Ex. W-10/6-8-76—Letter from the Madras Cements National Workers' Union giving particulars of grades to the category of Operatives.

Ex. W-11/23-10-79—Objection statement of Union No. 1 to the settlement Ex. M-5.

Ex. W-12/23-10-79—Objection statement of Union No. to the settlement Ex. M-5.

For Management :

- Ex. M-1—Job Evaluation Report of M.W. 1.
- Ex. M-2/21-5-77—List of names of persons with their signatures who attended the meeting at factory.
- Ex. M-3—Comparative statement of various grades and designations prevailing in other quarries.
- Ex. M-4—Statement showing the Injury-rate performance during the years from 1967 to 1977.
- Ex. M-5/13-10-79—Memorandum of settlement u/s. 18(1) of the I.D. Act, 1947 between the Management and their workmen represented by Unions 2 and 3.
- Ex. M-6—Award of Arbitration Board for Cement Industry-1978.
- Ex. M-7/18-9-79—Draft Memorandum of Settlement u/s. 18(1) of the I.D. Act, 1947 between parties.
- Ex. M-8/21-10-79—Memorandum signed by workmen praying to pass an Award in terms of Ex. M-5.

INDUSTRIAL TRIBUNAL

ANNEXURE

(Exhibit M-5)

MEMORANDUM OF SETTLEMENT ARRIVED AT UNDER SECTION 18(1) OF THE INDUSTRIAL DISPUTES ACT, BETWEEN THE WORKMEN AND MANAGEMENT OF ALAMBADI LIMESTONE MINE OF CHETTINAD CEMENT CORPORATION LIMITED, CHATRAPATTI P.O.

Workmen employed in Alambadi Limestone Mine of the Chettinad Cement Corporation Limited, Puliyur.

Represented by :

- (1) Chettinad Cement Quarry Workers' Union, Alambadi.
- (2) Anna Thozhilalar Sangam, Chettinad Cement Corporation Quarry, Chatrapatti (P.O.).

AND

The Management of M/s. Chettinad Cement Corporation Limited, Puliyur Cement Factory.

No. of workmen covered by this settlements : About 175
Short Recital of the Case :

The workmen employed in Alambadi Limestone Mines raised demands against the Management for proper nomenclature and fitment into various grades, payment of washing allowance, night shift allowance and these demands were taken up for conciliation by the Regional Labour Commissioner (Central), Madras and consequently were referred to adjudication to the Hon'ble Industrial Tribunal by Government of India, on 27th February, 1976 by its Order No. 1/29011/132/75-D.III-8.

The said dispute had been taken up by the Tribunal on its file I.D. 18/76 and the same is pending disposal. During the pendency, the workmen of the cement industry represented by the Indian National Cement and Allied Workers' Federation, Bombay-4 raised demands against the employees of the Cement Industry represented by Cement Manufacturers' Association Bombay and these demands were referred to the National Arbitration Board consisting of Shri G. Ramanujam and Shri R. P. Nevetia for arbitration by Government of India by its order No. L-29013/2/77-D-III-8 dated 28th November, 1977 and No. L-29013/2/77-D-III-8, dated 9th January, 1978.

The Arbitration Board has released its award on 26th September, 1978 and by its award in Annexure VI dealt in the occupational nomenclature with job description and their classification into grades of various workmen employed in Cement factories and quarries on a national basis. The question of payment of night shift allowance and washing allowance had also been dealt in and decided by the said Arbitration Board in paras 172 to 182 and 184. The Award has also come into force from 1-10-78.

In the meantime, the workmen of the Quarry represented by their Unions have raised charter of demands, including implementation of Arbitration Award in so far as it relates to fitment of workmen with various grades before Assistant Labour Commissioner, Madras. Both the parties have held series of bilateral discussions as per his advice on the question of implementation in so far as it applies to the workmen employed in Limestone Mines. As a result of these discussions, the parties have reached a settlement as per terms appearing hereunder.—

Terms of the Settlement :

- (1) With regard to the question of occupational nomenclature, job description and fitment of workmen in various grades, both parties agree that the workmen employed in the Alambadi Limestone Mines will be awarded the respective designation fitment etc as per Annexure I attached herewith
- (2) Both parties agree that in accordance with the directions of the National Arbitration award, para 184 Washing Allowance will be paid to the categories covered by the Arbitration Award
- (3) Both parties agree that the workmen engaged for work during the hours 10 a.m. to 6 a.m. will be supplied one cup of free tea to each of such workmen working such hours, in lieu of their demand for payment of Night Shift Allowance. The arrears payment for tea for the period 1-10-78 to 31-1-79 will be paid on the basis of the rate at which tea is supplied to the quarry workers now
- (4) Both parties agree that the settlement shall be deemed to have come into effect from 1-10-78 and will be in force for a period of 3 years from thereof. The benefit of arrears of payment if any, will be disbursed to the eligible workmen on or before 31-10-1979, subject however that in respect of those workmen who are promoted to higher grades and who are placed on probation/training, this settlement shall come into force from the date of their respective probation/training
- (5) The Unions agree that the benefits awarded to workmen under this Settlement shall be in full and final settlement of their demands covered in the Industrial Dispute ID No 18/76, pending disposal before the Hon'ble Industrial Tribunal and the demands of the Unions for implementation of National Arbitration Award for Cement Industry-1978 in respect of fitment of existing workmen into various grades under Annexure VI to the said award
- (6) Both parties agree that this settlement shall be filed before the Industrial Tribunal, Madras, praying for an award in terms of this settlement in ID No 18/76

Dated, this 13th day of October, 1979

Representing employer

For Chettinad Cement

Corporation Ltd.,

Sd/-

Secretary to the Board

Sd/-

Personnel Officer

Representing Workmen

For Chettinad Cement Quarry

Workers' Union, Alambadi

Sd/-

(R. Ganesan)

Vice-President

Sd/-

Secretary

For Anna Thozhilar Sangam,
Chettinad Cement Corporation
Quarry

(1) Sd/

President

(2) Sd/-

Secretary

Annexure 1 to Settlement Arrived at between workmen and Management of Alambadi Limestone Mines of Chettinad Cement Corporation Ltd., Chatrapathi Post

(1) Nomenclature QUARRY DRILLER (WAGON DRILLS AND JACK HAMMER 'C' (SKILLED LOWER)

There are 7 workers in this category in Grade 'C' who are designated as Rotary Drillers. Out of this, 5 will be redesignated according to the occupational nomenclature mentioned in the Award. Two of them will be promoted to Grade 'B' and designated as Quarry Driller (Wagon Drills and Jack Hammer) 'B' SKILLED UPPER on the basis of seniority cum merit

There are 20 workers with designation "Jack Hammer Driller" and fitted now in 'D' grade. Out of the 20, 17 will be promoted and designated as Quarry Driller (Wagon Drills and Jack Hammer) 'C' (skilled lower). Two of them have opted to work as Watchman in the existing grade. They will be allowed to do so

One of the drillers who is working as Assistant Fitter will be promoted and redesignated as Fitter 'C' (Skilled Lower). There are two more workers designated as Jack Hammer Driller-cum-Greaser in 'D' grade. They will be promoted to Grade 'C' and fitted in Grade 'C' in the designation Quarry Driller (Wagon Drills and Jack Hammer) 'C' skilled, lower

(2) NOMENCLATURE HEAVY EQUIPMENT OPERATOR 'B' SKILLED UPPER

There are 7 workers in Grade 'B' with designation of Shovel Operator

4 workers in Grade B with the designation of Loader/Dozer Operator

6 workers are in grade 'B' as Dumper Operators

10 workers are in Grade 'C' with designation of Dumper Operator

Out of the above 27 workers, 25 will be given the occupational nomenclature as per the Award viz "HEAVY EQUIPMENT OPERATOR 'B' SKILLED UPPER" and fitted in 'B' grade after effecting promotion

The Management will choose two of the workers who are designated as Shovel Operators and already fitted in 'B' grade, will be promoted and fitted in 'A' grade as Heavy Equipment Operator Skilled Highly, on probation for a period of one year. They will be given training as per job description and confirmed when they obtain proficiency in their grade

4 more workers who are in 'D' grade and who are having licence for driving heavy duty vehicles but not so far worked as Heavy Equipment Operators in the Quarry, will be promoted initially to Grade 'C' for one year and after attaining proficiency as per the job description will be promoted to 'B' grade and designated as Heavy Equipment Operator 'B' (Skilled Upper).

Heavy equipment operators will be given heavy vehicle allowance as per Award

(3) Nomenclature LOCO DRIVER 'B' (SKILLED UPPER).

There are 5 workers designated as 'Loco Operators' in Grade 'C'

They will be promoted to Grade 'B' and given the occupational nomenclature

(4) Nomenclature MACHINERY ATTENDANT 'D' GRADE

There are 4 workers designated as Compressor Operator, one worker as Pump Attendant, one worker as Pump Attendant-cum-Watchman and three workers as Platform Attendant

As per the Award, all these workers will be given the occupational nomenclature of "MACHINERY ATTENDANT" in Grade 'D'. Four workers who are now designated as Winch Operator cum Pointmen will be designated as Machinery Attendant/Pointman in Grade 'D'

Four workers will be promoted from among the 'E' grade workers in Quarry to 'D' Grade as Machinery Attendant on seniority-cum-merit basis

(5) Nomenclature : WATCHMAN 'D' GRADE :

There are 8 workers with the designation of Watchman in 'D' grade. There is no change either in the designation or in the grade in their case.

(6) Nomenclature : FITTER 'C' (SKILLED LOWER) :

There are 8 workers in Grade 'D' designated as Assistant Mechanic.

2 workers in Grade 'D' designated as Assistant Fitter.

3 workers designated as a Assistant Electrician in Grade 'D'.

As per the Award, Assistant Fitter, Assistant Mechanic and Assistant Electrician designations stand abolished. They will be promoted to Grade 'C' as Fitter 'C' (Skilled, Lower).

(7) Nomenclature : DIESEL MECHANIC (Skilled Upper) :

There are 5 workers fitted in Grade 'B' and designated as Mechanic. Out of the 5, 3 will be promoted to "DIESEL MECHANIC GRADE 'A' SKILLED HIGHLY, on the basis of seniority-cum-merit.

(8) Nomenclature : ELECTRICIAN-CUM-WIREMAN (SKILLED UPPER)

Out of the 4 workers in this category, 2 are having Wireman's Competency Certificate and placed in Grade 'B' and 1 worker who is also having Wireman Competency Certificate is placed in 'C'. The worker now fitted in 'C' grade with Wireman's Competency Certificate will be promoted to Grade 'B' and designated as ELECTRICIAN-CUM-WIREMAN 'B' SKILLED UPPER. The other two Electricians in 'B' grade will also be given the occupational nomenclature.

One worker who is designated as "ELECTRICIAN" in 'C' grade but not having any competency certificate, will be fitted in 'B' grade after ascertaining his competency and suitability as Armature Winder in Grade 'B' skilled upper.

(9) Nomenclature : BLASTER 'C' SKILLED LOWER :

There are 7 workers with designation 'Blaster' and fitted in 'C' grade. For 6 of the workers, the nomenclature will be corrected as per Award. The remaining one will be considered for promotion to Grade 'B' on the basis of seniority-cum-merit.

One worker now in 'E' grade and having Blaster and Mines Mate Certificate will be considered for promotion and he will be on probation for a period of 6 months in 'D' grade after which he will be considered for promotion to 'C' Grade.

(10) Nomenclature : DRESSER I :*

*One worker who is designated as Dresser and placed in 'D' grade will be promoted to Staff Grade I and designated as Dresser-I.

(11) Nomenclature : WELDER :

There is one worker in Grade 'B' and designated as Welder. His designation will be revised as Welder 'B' Skilled Upper. Another Welder in Grade 'C' will be considered for promotion to Grade 'B' after ascertaining the merit.

For the other category of workmen such as Khalasis, Blacksmith, Hammerman, Fitter, Stores Issuer, Sweeper, Mazdoors, Helpers and any other designation not considered above, the nomenclature will be corrected according to the Award and no upgrading will be involved.

For Chettinad Cement Corporation Limited :

Sd/-.....

(R. Narayanan)

Secretary to the Board.

For Chettinad Cement :

Quarry Workers' Union, Alambadi

Sd/-.....

(R. Ganesan)

Vice-President.

For Anna Thozhilalar Sangam

Chettinad Cement Corporation

Quarry.

Sd/-.....

President

T. SUDARSANAM DENIEL, Presiding Officer

[No. L-29011/132/75-D.III(B)]

S. H. S. IYER, Desk Officer

Note : Parties are directed to take return of their document/s within six months from the date of the Award.

New Delhi, the 27th November, 1979

S.O. 4040.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employer in relation to the management of Chinakuri No. 3 Pits Colliery of Eastern Coalfields Limited Post Office Sunderchak, District Burdwan and their workmen which was received by the Central Government on 26th November, 1979.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL:
CALCUTTA

Reference No. 32 of 1978

PARTIES :

Employers in relation to the management of Chinakuri No. 3 Pits Colliery of Eastern Coalfields Limited,

AND

Their Workmen.

APPEARANCES :

On behalf of Employer—Sri P. N. Malval, Deputy Chief Personnel Officer.

On behalf of Workmen—Absent

STATE : West Bengal

INDUSTRY : Coal Mines

AWARD

By Order No. L-19012(34)/77-D-IV(B) dated 3rd April, 1978, the Government of India, Ministry of Labour, referred an industrial dispute existing between the employers in relation to the management of Chinakuri No. 3 pits colliery of Eastern Coalfields Limited and their workmen, to this tribunal, for adjudication. The schedule to the order of reference reads as :

"Whether the action of the management of Chinakuri Sub-Area, Eastern Coalfields Limited, Post Office Sunderchak, District Burdwan in refusing employment to Shri Sheoshankar Paswan, Underground Mazdoor with effect from 25th March, 1976 was justified? If not, to what relief is the concerned workman entitled?"

2. Today at the hearing of the reference, a petition which was received yesterday under the signature of the General Secretary, Khan Shramik Congress praying for a No Dispute award on the ground that the concerned workman is no longer interested in his employment has been put up before me for necessary orders. It may be stated that today at the hearing no one on behalf of the Union has appeared. Sri P. N. Malval, Deputy Chief Personnel Officer has appeared on behalf of the management.

3. In these circumstances, I make a 'No Dispute award.

S. K. MUKHERJEA, Presiding Officer.

[No. L-19012(34)/77-D.IV(B)]

Dated, Calcutta, the 21st November, 1979

New Delhi, the 6th December, 1979

S.O. 4041.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employer in relation to the management of Bhanora Colliery of Bhanora Sub-Area of Eastern Coalfields Limited, P.O. Charanpur, Distt. Burdwan and their workmen, which was received by the Central Government on 27th November, 1979.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :
CALCUTTA**

Reference No. 33 of 1976

PARTIES :

Employers in relation to the management of Bhanora Colliery.

AND

Shri Samrathi Yadav.

APPEARANCES :

On behalf of Management—Sri N. Das, Advocate with Sri S. C. Koar, Asst. Chief Personnel Officer.

On behalf of Workman—Sri A. K. Lal Gupta, Advocate.

State : West Bengal Industry : Coal Mine

AWARD

By Order No. L-19012/17/76-D.III B dated 26th November, 1976, the Government of India, Ministry of Labour, referred an industrial dispute existing between the management of Bhanora Colliery and Shri Samrathi Yadav, to this Tribunal, for adjudication. The schedule to the order of reference reads as :

“Whether the management of Bhanora Colliery of Bhanora Sub-Area of Eastern Coalfields Ltd., P.O. Charanpur, Dist. Burdwan was justified in denying employment to Shri Samrathi Yadav with effect from 4-10-1974 ? If not, what relief the workman is entitled to ?”

2. The case as pleaded on behalf of Samrathi Yadav, the concerned workman, is that he was employed by Equitable Coal Company Ltd., the erstwhile owners of Bhanora colliery as a wagon loading mazdoor. He had been working for about 3 or 4 years when the management of the colliery was taken over by the Central Government. On nationalisation of the colliery, he was employed as a wagon loader under Coal Mines Authority Ltd. and thereafter under Eastern Coalfields Limited.

3. In paragraph 2 of the written statement filed on behalf of the concerned workman it is stated that though the work was of permanent nature and he had been working for more than 24 days in a month, continually and regularly, the private management in order to deprive him and others of their legitimate dues did not make them permanent and the concerned workman was designated as casual wagon loader though he performed the job of a permanent nature.

4. The concerned workman was given bonus card and his name was also entered in the B form register. All of a sudden, he was stopped from working with effect from 4th October, 1974 on the ground that he was not the real Samrathi Yadav. The denial of employment to the concerned workman by the management is illegal and he is entitled to be re-employed with effect from 4th October, 1974 with all back wages and other benefits which he should have earned

had he not been stopped from working. In the concluding paragraph it is stated that he has not been paid his wages for the months of September and October, 1974 to which he is entitled.

5. The management in their pleadings have taken the point that the reference is not competent because no dispute was ever raised by or on behalf of the concerned workman at any time with the employers. Only a demand was purported to have been addressed by the Colliery Mazdoor Congress to the Assistant Labour Commissioner (Central), Asansol, a copy of which was received by the management. This might have been at best a demand but it cannot be the basis of a valid industrial dispute.

6. It is then submitted that the demand addressed to the Assistant Labour Commissioner was on behalf of the General Secretary, Colliery Mazdoor Congress. That union did not pursue the subsequent proceedings before the Assistant Labour Commissioner. On the contrary, Sri J. Pandey, claiming himself to be the Secretary of the Union known as Colliery Mazdoor Congress (Ind.) took up the matter. The concerned Union, therefore, had no jurisdiction or locus standi to sponsor the dispute.

7. In paragraph 3 of the written statement filed on behalf of the management it is stated that the management of Bhanora colliery was taken over by the Govt. of India under the Coal Mines (Taking Over of Management) Ordinance, 1973. A large number of casual wagon loaders used to be employed at the colliery. After the take over, the old system continued for some time till there was a screening in 1973. Eventually a list of casual wagon loaders was prepared and wagon loading is done at present by deploying these workers as and when required.

8. From the available records it appears that one Samrathi Yadav worked as casual wagon loader for the period from 24-2-73 to 12-5-73 and his total attendance was only 40 days. Thereafter there was no trace of him, he having left the colliery.

9. From January 1974 declaration forms were obtained from casual wagon loaders to enable the employers to prepare a pool of casual wagon loaders. On 3rd August, 1974 one person said to be Samrathi Yadav, son of Johar Yadav got himself enrolled after filling up the declaration form. Soon thereafter he was detected to be not the concerned Samrathi Yadav who had worked earlier and soon after the detection was made he was stopped from working from 4th Oct. 1974. As it was a clear case of impersonation the employer had to stop him from working in the colliery. Moreover, a casual workman whose services begin in the morning and ends in the evening, if at all work can be provided for him, has no right as such to work as a casual worker. There can not therefore be any valid dispute regarding employment or non-employment of such a person whose very nature of work is transient in character and is otherwise dependant upon a number of other factors.

10. In answer to the written statement filed on behalf of Sri Yadav, the management stated that the job of wagon loading may be a perennial job but the deployment of wagon loaders depends entirely upon supply of wagons which is erratic and for days there may not be any placement at all when necessarily such casual wagon loaders cannot be employed. The management denied that the concerned workman was working for more than 24 days in a month. He is not entitled to any relief.

11. At the hearing of the reference, the learned advocate did not press the objection as to the maintainability of the reference on the ground that no demand had been made and the Union had no locus standi to espouse the cause of the concerned workman.

12. On behalf of the concerned workman, evidence was given by Sri Shyamla Singh, a lamp clerk in the employment of Bhanora colliery. He is the Branch Secretary of the local office of the colliery Mazdoor Congress since 1962. He identified the concerned workman and deposed that he knew him as a person working in the colliery in 1970. There were as many as seven or eight persons named Samrathi but there was no other man of the name of Samrathi Yadav. Samrathi

Yadav was working as a casual wagon loader. More-over, there was a dispute on the question of identification of casual workers including female casual workers. He protested against the mode of identification. The officers therefore became dissatisfied and stopped him from working. This happened in 1974. He proved and tendered the bonus card of the concerned workman. It is of the date 3rd August, 1974. The bonus card was marked Ext. W-4. He then tendered a letter dated 27th December, 1974 addressed to the Chief Personnel Officer by the General Secretary of Colliery Mazdoor Congress, Bhanora branch, Ext. W-5.

13. The deponent stated that at the time when Samrathi Yadav was stopped from working there were about 1000 wagon loaders. The erstwhile management issued bonus cards only to permanent workmen and not to casual workmen. He wrote to the management about the case of the concerned workman. He categorically denied that the concerned workman enrolled himself on 3rd August, 1974 posing as Samrathi who had worked in the colliery in 1973 nor did he agree that he procured the bonus card on the false representation that he was Samrathi Yadav who worked in 1973. In brief, his evidence was that the concerned workman is the real Samrathi Yadav who had been working in the colliery in 1973. He said that apart from Samrathi Yadav there was no other Samrathi who did any wagon loading in the mine.

14. The concerned workman in his evidence stated that he had been working as a casual wagon loader in the Bhanora colliery from 1970. He was working along with Suraj Deo, Gorelal, Mahadeo, Srikumar and others. They had all become permanent. He worked from 1970 till 1974 when his work was stopped. He did not know of any other Samrathi Yadav. He worked under two Sardars, Brijmohan and Patiram Singh before nationalisation of mines. He deposed that he received payment by slips before nationalisation and then by card. He had destroyed the slips. He then tendered a certificate given to him by Ramrajan Misra, a Mukhia in the District of Arrah. He is the Mukhia of his village also, Ext. W-7. The certificate does not bear any date. It is in Hindi. In free English translation, it reads as follows :

"Bhanora Colliery
P.O. Charanpur
Dist. Burdwan.

I certify that Sri Samrathi Yadav, son of Sri Johar Yadav, is a resident of Bansipur, P.O. Iswarpur, District Bhojpur. He bears a good character. I know him very well. He has been working in Bhanora colliery since sometime past.

Seal of Mukhia." Sd. Illegible

The concerned workman tendered another certificate issued by the Block Development Officer. He admitted that neither the Mukhia nor the Block Development Officer knew his father nor were they aware of his name. It was he who told them what his father's name was. The certificate given by the Block Development Officer has been marked Ext. W-8. The certificate which is in Hindi reads as follows in English translation :

"Office of the Block Development
Officer, Sadpur.

CHARACTER CERTIFICATE

This is to certify that Sri Samrathi Yadav son of Shri Johar Yadav is a resident of Village Bansipur, P. S. Sadpur, District Bhojpur (Arrah). He bears a good character. Nobody has complained to me against his character.

Sd/- Illegible
Block Development Officer
Sadpur
26-12-74".

15. The deponent said in his evidence that he, among other workmen, demanded higher wages. Moreover, they objected to the officers examining identification marks of female casual workers. Out of grudge, the management stopped him

from working. The officer told him that he was an impostor and not the real Samrathi Yadav. He brought the certificates to prove his identity.

16. In cross-examination, the concerned workman stated that he started work in the colliery in 1970 as a casual wagon loader. During the period from 1970 to 1973 he sent some money home through some persons of his village. He never sent any money by money order. He never received any letter from home through the post office. If any letter came, it came by hand. As regards the Mukhia's certificate, Ext. W-7, his evidence was that his father approached the Mukhia for it. Thereafter he also saw the Mukhia. His father told the Mukhia that he was working in Bhanora colliery. As for the bonus card he did not remember for which year bonus was paid to him but he received bonus on three occasions. No bonus card was issued to him before the one which has been made Ext. W-4. Formerly casual wagon loaders did not have any bonus card. When the card was issued he was working under Sardar Patiram. He did not remember the name of the officer who made over the bonus card to him. In answer to the suggestion that he must have received the bonus card through Patiram under a mistaken identity and the card was intended for the other Samrathi Yadav who had worked as a casual wagon loader in the year 1973, he said that he received the card not from Patiram but from an officer. It was intended for him. On being shown the wage sheets he said that he put his thumb impressions on stamps on those sheet in acknowledgement of having received payment. He however could not identify his thumb impressions. He denied that before 1974 he did not work in the colliery. He denied the suggestion made in cross-examination that three thumb impressions of 1973 encircled in double red line were of the other Samrathi Yadav and not his. He also disputed the suggestion that he never demanded enhancement of wages or protested against the manner of identification of female casual workers. He subscribed three thumb impressions in court which were marked Exts. M-1, M-2, and M-3.

17. In answer to certain questions put to him by the Tribunal he said he could be called Yadav or Singh or Gope. His caste is Yadav.

18. On behalf of the management Gour Hari Chakravarty, a loading clerk gave evidence. He has been working in the colliery for the last 25 years. He deposed that bonus cards were given to casual wagon loaders for the first time in the year 1974. There were 40 to 44 permanent wagon loaders in Rana siding alone. There were about 600 casual wagon loaders. A large force of casual workers had to be maintained because there was uncertainty in the supply of wagons. With regard to the concerned workman Samrathi Yadav who was present in court, he said he had not seen him. Then he said he saw him in February, 1973. In view of the seemingly contradictory statements made by him, I asked him why he said at the beginning that he had not seen the workman before. In answer he said :

"He was employed in February, 1973. This Samrathi worked from February to May, 1973. After May, 1973 I did not see him. Then in August, 1974 this Samrathi, i.e. he applicant started working. Another man came in August, 1974 and started working as Samrathi Yadav. And that Samrathi who came in August, 1974 is this Samrathi who is present in Court. This Samrathi who is present in court to-day was not in the colliery in 1973. The Samrathi who worked from February to May, 1973 was another Samrathi. That Samrathi is not in Court. I do not know where that Samrathi has gone. He is no longer in the colliery."

19. The deponent identified some wage sheets of casual wagon loaders for the weeks ending on 24-3-73, 31-3-73, 14-4-73, 5-5-73 and 12-5-73. He said that those wage sheets bear signature of Bipin Acharjee, loading in-charge at that time. They also bear the signature of S. K. Sarkar who was the Labour Welfare Officer. The Samrathi referred to in the wage sheets of 1973 is not the Samrathi who was a party to the reference and was not present in Court. Then he deposed that there is a thumb impression against the name of Samrathi in the wage sheet for 24th March, 1974. As he did not

make the payment, he could not identify the thumb impressions. He was then shown wage sheets for weeks ending on 3-8-74, 10-8-74, 17-8-74, 24-8-74, 31-8-74, 7-9-74, 14-9-74 and 21-9-74. These paysheets bear the signature of loading Inspector H. D. Banerjee and of the Labour Welfare Officer S. K. Sarkar. He identified their signatures. He did not have to deal with the wage sheets nor were they prepared under his supervision. He reported that Samrathi Yadav the concerned workman came in August, 1974 and joined work in the colliery as casual wagon loader. Thereafter he continued to work for sometime. Then it was discovered that he was not the Samrathi who had worked in the colliery before. He then reported the matter to the Manager, Mr. Juncja. Then the Manager stopped him from working.

20. As regards the bonus card, Ext. W-4, he said that bonus cards were given to Sardars and the Sardars distributed them to the workmen in their gangs. It was part of the duty of the loading clerk as also of the loading in-charge to ensure that bonus cards were received by casual wagon loaders. The bonus card was given to the concerned workman by the Sardar. There were nearly 600 bonus cards to be distributed to casual wagon loaders in Rana siding alone and it was not possible to scrutinise the distribution in each and every case. He denied that the concerned workman was stopped from working because he had objected to the manner of identification of female workers or because he had asked for increase in his wages.

21. In cross-examination he said that by looking at the wage sheets he could say which worker was paid how much and when. There was an attendance register. There were also a B form register and an E form register. Workers had their identity cards. The casual wagon loaders did not have any cards before 1974. When a worker left employment of the colliery he had to surrender his identity card after obtaining final payment. The names on the bonus cards were written from the B form register. He said he did not know the name of the father of Samrathi Yadav who was in employment of the colliery in 1973. He knew him simply as Samrathi. Serial numbers on the wage sheets are the numbers of declarations made by the workmen after nationalisation. Casual workers did not attend every day and there was no certainty as to when they would get work. At first no attempt was made to trace the other Samrathi. After this Samrathi came, they looked for the old Samrathi but could not find him in the colliery. No other attempt was made to trace him. He admitted that he could not say from his personal knowledge how this card was issued in the name of Samrathi Yadav and not in the name of Samrathi. He was also not in position to say who delivered the bonus card for distribution to the Sardars. The other Samrathi who worked in 1973 worked under Patiram Sardar. The concerned workman also worked under Patiram in 1974. About 15 or 16 people worked under Patiram.

22. Habul Chatterjee, a general clerk who has been working in Bhanora colliery since 1965 gave evidence. He said he made payments to casual wagon loaders. He had been doing that work all along. He was shown a number of wage sheets for certain weeks in 1973 and 1974. The wage sheet for the week ending on 14-4-73 did not bear his signature but he made the payment. It bore the signature of B. C. Acharjee, Loading in-charge. The thumb impression no. 19 was of Samrathi. The figure 19 was in his hand. For the week ending on 31-3-73 the left thumb impression no. 10 was of Samrathi. For the week ending on 24-3-73 the thumb impression no. 12 was also of Samrathi. The loading in-charge used to identify the workman and relying on his identification, payment was made. He had no recollection of Samrathi. In cross-examination he admitted that without looking at the numbering he could not tell which thumb impression was whose. As regards the wage sheet of 10-3-74 there was no numbering of thumb impressions. As regards the wage sheet of 7-9-74, Ext. W-10, there is no numbering of thumb impressions except in the case of No. 4. In the wage sheet for the week ending 10-8-74, Ext. W-11, there is no numbering against the thumb impressions. As regards wage sheets dated 21-9-74 and 14-9-74 and Ext. W-12 and W-13 the numbering had been done by him with the same pencil but not at the same sitting. The wage sheets of 24-8-74 and 17-8-74, Exts. W-14 and W-15, were not prepared by him but payment was made by him. Numbering was also done by him.

His evidence was that numberings are sometimes not given when there is a rush. He denied the suggestion that payments were made without taking thumb impressions or signatures of payees. He said his work consisted of making payment and taking thumb impressions. Numbering also had been made by him. He said that although it does not appear from the wage sheet itself that B. C. Acharjee, the Loading in-charge identified the workmen at the time of payment, in fact he did so and his signature appears on the wage sheets.

23. It appears that by letter dated 12th November, 1974, Ext. M-7, the Sub-Area Manager requested the Manager, Bhanora Colliery to issue a chargesheet to Sri Bipin Acharjee, loading in-charge for false identification of Samrathi Yadav who was enrolled on 31-7-74 as casual wagon loader.

24. Sri Panna Mukherjee, a Welfare Officer of Bhanora Colliery in his evidence stated that he worked in Bhanora colliery from 1973 to March, 1977. He knew Sri Bipin Acharjee, the loading in-charge. After some confusion in his part, he deposed that he held a preliminary enquiry. No chargesheet had been issued against Acharjee at that time. He submitted his report to the Manager. Thereafter an enquiry was held by Sri S. N. Chatterjee. He did not have anything to do with the enquiry. That enquiry was held on the basis of a chargesheet. He said that in course of preliminary enquiry he put questions to Samrathi Yadav. He also took the thumb impression of Samrathi Yadav on a blank paper, Ext. W-17. It may be stated that Sri Panna Mukherjee in his evidence had stated that Bipin Acharjee was found guilty of the misconduct alleged against him at the enquiry but no punishment was awarded as he was due to retire shortly.

25. Susil Kumar Sarkar, a Welfare Officer, in Bhanora colliery since 1962 deposed that he knew Sri Bipin Acharjee, loading in-charge. Bipin Acharjee has since retired from service. He did not know where he was staying. There was an enquiry on the basis of a chargesheet served on him. The Enquiry Officer was Samarendra N. Chatterjee. That enquiry was preceded by a preliminary enquiry held by Sri Panna Mukherjee. He tendered a bundle of bonus payment vouchers, Ext. M-10 which showed the payment of profit sharing bonus to casual wagon loaders for the year 1972. The name of Samrathi Yadav does not appear in the bonus vouchers. Thereafter Sri Harendra Banerjee, the Loading Inspector in Bhanora colliery since 1964, gave his evidence. He knew Bipin Acharjee, the loading in-charge. He was subordinate to the deponent. There was one casual wagon loader named Samrathi Yadav. He is no longer working in the colliery, the concerned workman worked for sometime in the colliery. In answer to a question put to him by the Tribunal he said that the Samrathi Yadav he knew is no the concerned workman. He has seen the concerned workman, working in the colliery for a while. He worked, as far as he could remember, for 7 or 8 months. The work of the concerned workman had been stopped by the Manager because he was new and was allotted work by Bipin Acharjee in the guise of Samrathi who had worked previously. Bipin Acharjee has since retired. He is no longer in the colliery. Enquiries were made in his village in the District of Purulia but he could not be traced. In cross-examination Sri Banerjee stated that he did not know the name of the father of Samrathi who worked previously nor did he know his address or his Provident fund account. He said that Gaur Hari Chakravarty, the loading clerk complained regarding the identity of Samrathi Yadav on the ground that he was working under a false identification. The deponent did not complain in writing but he did so orally to the Manager. He categorically denied that the concerned workman is the Samrathi who worked previously. He said that after detection the concerned workman worked for 7 or 8 months. No punishment was imposed on Bipin Acharjee.

26. The concerned workman subscribed three thumb impressions on a blank paper before the Tribunal. Those were marked Exts. M-1, M-2 and M-3. At the instance of the management, Sri Sital Prasad Sarkar, Document Analyst, was invited to examine Exts. M-1, M-2 and M-3 and a thumb impression on top of the Wage sheet for the week ending on 24-3-73, Ext. M-5 which Habul Chatterjee had identified as the thumb impression of the other Samrathi who was working at that time. The Document Analyst found other disputed thumb impressions, as too poor for examination. He marked Ext. M-1 as "S". He also marked the thumb impressions

appearing on top of wage sheet Ext. M-5 as "I". On a comparison of Ext. M-1 and the thumb impression appearing on top of Ext. M-5 he came to the conclusion that the thumb impression on Ext. M-5 is of a type entirely different from Ext. M-1. His Report has been marked as Ext. M-11 by consent. Sri N. Das and Sri A. K. Lal Gupta appearing on behalf of the parties, on perusal of the opinion of the Document Analyst, agreed that the Document Analyst need not be called for examination as a witness.

27. I may now proceed to go into the merits of the case. It is not in dispute that there was a casual wagon loader of the name of Samrathi working in the colliery in 1973. The Samrathi who worked in 1973 appears to have been described as 'Samrathi' in the wage sheets for 1973 and not as 'Samrathi Yadav'. In the wage sheets of 1974 the name appears as Samrathi except in one instance, that is to say, in the wage sheet for the week ending on 17th August, 1974, Ext. W-15, where the workman has been described as Samrathi Yadav. The learned advocate appearing on behalf of the concerned workman submitted that the onus is on the management to prove that the concerned workman is not the Samrathi who worked in 1973. After all, it is the concerned workman who is asserting that he is the real Samrathi. Be that as it may it is well settled that once the entire evidence is before the court question of onus loses much of its importance. The proper thing in my opinion, will be to assess the evidence in their proper context. On behalf of the concerned workman, reliance was placed on the bonus card issued to him on 3rd August, 1974. The concerned workman said in his evidence that he received the bonus card not from Patiram Sardar under whom he was working but from an officer. He did not remember the officer's name. Gour Hari Chakravorty, loading clerk, deposed that bonus cards were given to Sardars and the Sardars distributed them to the members of their gangs. It was a part of the duty of the loading clerk as also of the loading in-charge to ensure that bonus cards were received by casual wagon loaders. As a large number of bonus cards had to be distributed it was not possible to scrutinise the distribution in each and every case. The concerned workman, he said, must have received bonus card from Patiram Sardar. He also stated that the names on the bonus cards were taken from the B form register. The concerned workman said that the bonus card was written by a colliery clerk whose name he did not know.

28. The B form register has not been made available. Bipin Acharjee, the loading in-charge, one of whose functions, it transpires, was to identify casual wagon loaders, did not depose at the hearing. Patiram Sardar who according to Gour Hari Chakravorty was responsible for distribution of the bonus card has not given evidence either. There is evidence that the bonus cards were issued for the first time in 1974 after nationalisation. In fact, the concerned workman who claims to have been in employment since 1973 deposed that Ext. W-4 was the first bonus card which was issued to him. In that context the argument made by the learned advocate appearing on behalf of the concerned workman that if there were another Samrathi working in 1973 the record of issue of his bonus card should have been produced before the tribunal loses all force. The other Samrathi if there were one who left employment in 1973 did not have a bonus card at all because at that time no bonus cards were made available to casual wagon loaders. The bonus card cannot be rejected as a piece of evidence. But, at the same time its value has to be assessed in the context of other evidence.

29. Sri A. K. Lal Gupta appearing on behalf of the concerned workman relied on Ext. W-1, that is say, the minutes of the discussion between the Regional Labour Commissioner, Asansol, Sri I. N. Srivastava, Industrial Relations Officer, Bhanora Sub-area and Sri J. Pandey, General Secretary of Colliery Mazdoor Congress held on 2nd January, 1976 with regard to the stoppage of work of the concerned workman. He contended that it does not appear from the minutes of discussion that the management contended at that stage that the concerned workman was not the real Samrathi. It is true that Sri Srivastava contended that the concerned workman was merely a casual workman and his services were terminated along with other casual workers who were no longer required by the management. But it also appears from the minutes that Sri Srivastava stated that the management was under the impression that the concerned workman was not the correct

man and the workman could not produce any evidence to the effect that he was. On this point the contention of Sri Gupta is therefore not tenable. The notes of discussion, dated 12th March, 1976, Ext. W-2, to which reference was made by Sri Gupta does not appear to have any relevance on the question of identity of the concerned workman and is therefore of no assistance.

30. Sri Gupta relied on the certificates given to the concerned workman by the Mukhia of his village and the Block Development Officer. As regards the Mukhia's certificate it may be stated that the Mukhia has certified that the concerned workman had been working in Bhanora colliery "since sometime past" and that he is a son of Sri Johar Yadav. The concerned workman himself has stated in cross-examination that the Mukhia did not know his father. His father approached the Mukhia and told him that he was working in Bhanora colliery. Neither the father of the concerned workman nor the Mukhia had given evidence. In any event, it is clear from the evidence that the Mukhia had no knowledge as to whether the concerned workman had been working in the colliery. As regards the certificate of the Block Development Officer, there is nothing in it with regard to the nature of employment of the concerned workman. He has merely certified that the concerned workman is the son of Sri Johar Yadav and is a resident of village Bansipur and nobody had complained against his character. There again it is the evidence of the concerned workman that the Block Development Officer did not know his father. In these circumstances, these certificates may be safely ignored because they were given not on the basis of personal knowledge or information received from persons other than the concerned workman himself or his father.

31. Sri Gupta submitted that little reliance can be placed on the evidence of Gour Hari Chakravorty, loading clerk who gave evidence that the concerned workman is not the Samrathi Yadav who had worked in the colliery in 1973 because on the question of identity, his evidence was of a halting and confused nature. At first he had said that he had not seen the concerned workman. Then he said he had seen him in February, 1973. Thereafter on being questioned by the Tribunal he said that the concerned workman was not the Samrathi who had worked in the colliery in 1973. It is true that his evidence on the question of identity was a little confusing to start with. Be that as it may, he made it quite clear in course of his evidence that according to him the concerned workman came in August, 1974 and started working in the colliery. He was not in the colliery in 1973. The Samrathi who worked in 1973 was another Samrathi. Mr. Gupta commented on the fact that Patiram Sardar under whom the concerned workman worked as a member of the gang of wagon loaders was not produced by the management to give evidence. Moreover the other Samrathi, if there were one, had not been produced by the management. Sri Gupta also pointed out that the management had not produced the B form register, D for register or the Attendance register. He pointed out that under Section 48 of the Mines Act a register has to be maintained of persons employed in the mine and particulars of those persons have to be entered in that register. None of those registers have been produced by the management. It appears that on behalf of the workman, the B form register, D form register and the Attendance register as well as wage sheets for 1971, 1972, 1973 and 1974 were called for. The management did not produce the registers. Only a number of wage sheets of 1973 and 1974 were produced. Sri N. Das appearing on behalf of the management stated from the Bar that these are all the documents that the management could trace. Sri Gupta submitted that an adverse inference should be drawn from non-production of these registers. The management, he complained, was relying merely on oral evidence Sri Das appearing on behalf of the management submitted that a great deal of the old records has not come into the possession of the management after nationalisation from the erstwhile owners and therefore it is not possible in all cases to produce them. His client has produced those documents which could be found. Having regard to the peculiar circumstances in which management was taken over by the Government and the state of chaos prevailing in the collieries under private ownership, I do not think it will be proper to infer that these documents have been deliberately withheld by the management. In my opinion, no adverse inference should be drawn, in the facts and circumstances of this case, for non-production of the Registers.

32. It has to be noted that on the question of identity of the concerned workman, the only person who has supported him by evidence is the Branch Secretary of the local office of the union. The union is very much a party to the dispute. That is however no reason why the evidence of the Branch Secretary should not be accepted. At the same time, it is desirable that independent evidence, if available, should be led in support of a case where the question of identity is involved. The concerned workman in his evidence stated that he was working along with Suraj Deo, Gorelal, Mahadeo, Srikumar and others. They have all become permanent. Any of these workmen could have been produced by the concerned workman to support his case that he had been working in the colliery since 1973 or earlier. He also deposed that he worked under two sirdars, Brijmohan and Patiram before nationalisation. Neither of these sirdars has been called on behalf of the concerned workman to give evidence on the question of his identity. It is no answer to say that they are all employees of the management.

33. The concerned workman stated in his evidence, and he was supported by the Branch Secretary of the union, on the point, that the reason for the management stopping him from working was that he demanded higher wages and had objected to the mode of identification of female casual workers. That according to him was the real motive for the action taken by the management against him. It is strange that there is no reference in the pleadings to the allegation that the management stopped him from working because he had asked for higher wages or because he had objected to the mode of identification of female casual workers. It is equally strange that no reference is to be found to that case in the notes of discussion held before the Regional Labour Commissioner, Asansol. I am satisfied that this is an after thought calculated to ascribe a motive to the management for singling him out among so many casual workmen. In that view of the matter, I am forced to the conclusion that the concerned workman is not a witness of truth. He has not been able to produce any reliable evidence in corroboration of the fact that he was working in the colliery in 1973. If he had been working since 1970 in the colliery as he deposed, it is strange that not a single workman of the colliery has come forward to depose to that effect.

34. I have already said that the certificates given to him by the Mukhia and the Block Development Officer have no evidentiary value having regard to the fact that the relevant statement made in the Mukhia's certificate, namely, that he had been working in the colliery for sometime past is based on what his father told the Mukhia. The Block Development Officer has not said a word about his occupation in his certificate. Gour Hari Chakravorty, the loading clerk and Harendra Nath Banerjee the Loading Inspector have roundly stated that he is not the Samrathi who had worked as a casual wagon loader in 1973. I have not found anything in their evidence from which it can be said that they did not give their evidence truthfully. I also do not see any reason why they should depose falsely that he is not the real Samrathi, if he is.

35. The concerned workman has himself stated that he can be called Singh or Gope. His caste is Yadav. In Ext. W-6, a letter in Hindi he describes himself as Samrathi Gope. It is interesting to note that all the wage sheets of 1973 which have been made exhibits, the name appears as Samrathi and not Samrathi Yadav. That is also the case in almost all the wage sheets of 1974. Only in the wage sheet for the week ending on 17th August, 1974, Ext. W-15, the name is Samrathi Yadav. Therefore it cannot be said categorically that the name Samrathi in the wage sheets is the same as Samrathi Yadav. The wage sheets describe the workman almost uniformly as Samrathi and not as Samrathi Yadav. It is not a little curious that in the midst of uniform description of the name as Samrathi, there should be only one instance of Samrathi Yadav in Ext. W-15.

36. Habul Chatterjee, a general clerk, deposed that he made payment to casual wagon loaders. His signatures appear on the wage sheets. Payments were made on identification by Loading in-charge. Numbering of workmen on the wage sheets was also done by him. He also explained how the numbers were allotted to workmen. It is a fact that generally speaking, his signatures, as well as the numbers of workmen appear

on the wage sheets. At the same time it was brought out in cross-examination that in a few stray instances his signature did not appear on the wage sheets as for example, on the one for the week ending on 14th April, 1973. It also appears that on one or two occasions the workmen to whom payments were made were not numbered on the wage sheets, as for example, on the wage sheets for the week ending on 10th March, 1974 and 7th September, 1974. Sri Chatterjee deposed that it is possible that in some cases he did not number the workmen because there was a rush. He was positive however that payments were never made without taking thumb impression or signature of the payee. He honestly admitted that he could not identify thumb impressions without reference to the numbers. It will be remembered that there is a thumb impression on the top portion of the wage sheet for the week ending on 31st March, 1973, Ext. M-5. Chatterjee deposed that that the thumb impression is of the casual wagon loader Samrathi working at that time. The name Samrathi appears as No. 10 in the wage sheet but there is no thumb impression against that name. It may be stated that in that wage sheet all the workmen have been numbered and thumb impressions of all those workmen appear against their names except in the case of Samrathi. Chatterjee deposed that the thumb impression on top is the thumb impression of Samrathi. His reasoning seems to have been that as all other workmen subscribed their thumb impressions against their names and only Samrathi did not do so, the thumb impression on the top portion of the wage sheet must be of Samrathi whose Number is 10. It is not necessary to disbelieve the deponent on this point but it has to be remembered that his evidence is based on inference and too much should not be made of it. Be that as it may, if he is right in his inference, the Document Analyst's evidence will go against the concerned workman. Sri Sarkar, the Document Analyst, in his Report has expressed his opinion that the thumb impression on the top portion of Ext. M-5 is entirely different from the admitted thumb impression of the concerned workman, Ext. M-1. It is true that the Document Analyst did not give evidence in Court. He did not, because the learned Advocates stated that they did not propose to examine him. Sri Gupta stated that he was not going to question the finding of the Document Analyst that the thumb impression, Ext. M-1 is different from the thumb impression on the top portion of Ext. M-5. What he disputed was that there is no evidence that the thumb impression on Ext. M-5 was that of the concerned workman. The matter rests there.

37. The management relied on the fact that Bipin Acharjee was charged with false identification of Samrathi Yadav who was enrolled on 31st July, 1974 as a casual wagon loader and that the charge was proved at an enquiry. The chargesheet has not been proved nor has the Enquiry Report been tendered in evidence. There is, of course, oral evidence that a chargesheet was served on him; that there was a preliminary enquiry held by Sri Panna Mukherjee; that an enquiry on the basis of the chargesheet was held by one S. N. Chatterjee; that at the enquiry the charge was established but he was not given any punishment because he was due to retire soon. Bipin Acharjee was not called by either party to give evidence at the hearing of the reference. Assuming that the charge was proved against Bipin Acharjee at the domestic enquiry, which seems to have been the case if oral evidence is to be accepted, it will make no difference to the case with which I am concerned. That is because the finding of the Enquiry Officer is not binding on the concerned workman who was not a party to the enquiry proceedings. I am therefore of opinion that the chapter relating to Bipin Acharjee and the disciplinary proceedings taken against him is of no consequence and I propose to ignore the same. In the context of the evidence in its entirety, I am unable to rely on the bonus card of 1974. It is common case that the bonus card is based on the B form register. The B form register is not available. Assuming that there was an entry of the name of the concerned workman in the B form register at the time of issue bonus card, it is not evidence of the fact that he was an employee of the establishment in 1973 or earlier. If the bonus card has been procured by him by means which are not legitimate, the entry in the B form register might have also been procured by him by the same means. In this context it may be mentioned that in the bonus vouchers, Ext. M-10, his name is not to be found.

38. Sri Das appearing on behalf of the management relied on a decision of a learned single Judge of the Madras High

Court in the case of the management of Crompton Engineering Co. (Madras) Pvt. Ltd. v. The Presiding Officer, and others, reported in 1975 Lab. I.C., p. 1006. There it was observed as follows :

"Solely from the simple fact that the definition of the term 'workman' contained in Sec. 2(s) of the Act includes temporary or casual labourers also, it does not follow that such temporary or casual labourers are entitled to reinstatement."

The learned Judge said in course of his judgment :

"5. As I pointed out already, the reference that was made to the Labour Court was whether the non-employment of respondents 2 to 4 herein was justified or not. In my opinion, the question of non-employment will arise only when the employer refuses to give work to a person who is entitled to work. In this particular case, in the case of respondents 2 to 4, they were appointed only for a specific period or for a particular work and as soon as the period was over or the work was over, their employment automatically came to an end and there is no rule of law which contemplates that such an employee must be given work again by the employer. In this particular case, even the Labour Court was fully aware of this position. Though it directed reinstatement of respondents 2 to 4 herein, it declined to order payment of back wages to them. In paragraph 14 of the award, the Labour Court stated that there was evidence to show that the contract in which these workmen were employed was over and that the company had got other contracts for which the services of these workmen were not immediately needed. Therefore, it is clear that even the

Labour Court accepted the position that the respondents 2 to 4 herein were employed for a particular contract, and after the completion of that contract even when the petitioner took some other contract, the services of respondents 2 to 4 were not needed for that contract. If so, it is difficult to understand how respondents 2 to 4 can be directed to be reinstated. Essentially, an order of reinstatement postulates the existence of a post in which the particular person was working and with reference to which his employment was terminated. When there was no post and there was no termination of employment, but only there was the employment of a particular individual for a specific period or for a specific work, the employment automatically came to an end on the expiry of such period or after the work was over, and consequently, there was no termination and there was no question of reinstatement."

39. In the view of the evidence I have taken, I hold that the concerned workman is not the Samrathi Yadav who formerly worked as a casual wagon loader in the Bhanora colliery and I therefore answer the reference in the following terms : The management of Bhanora colliery of Bhanora Sub-area of Eastern Coalfields Limited, P.O. Charanpur, District Burdwan, was justified in denying employment to Sri Samrathi Yadav with effect from 4th October, 1974. The concerned workman is not entitled to any relief.

Dated, Calcutta, the 20th November, 1979.

S. K. MUKHERJEA, Presiding Officer
[No. L-19012/17/76-D.III. B/D. IV(B)]
SHASHI BHUSHAN, Desk Officer.